APR 10 1976

MICHAEL RODAK, JR., CLERK

No. 75-1458

IN THE SUPREME COURT OF THE UNITED STATES

October Term 1975

ALFRED A. ROBERTS

Petitioner

v

OHIO

PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS – SEVENTH DISTRICT
MAHONING COUNTY, OHIO

ALFRED A. ROBERTS
373 E. Boston Avenue
Youngstown, Ohio 44507
TELEPHONE: 216-782-5926
Petitioner

BLEED THROUGH

TABLE OF CONTENTS

URGENTLY IMPORTANT

*NOTES:

1. **JUST COMPENSATION DUE AND OWING THIS PETITIONER,** as demanded under Amendment V of our United States Constitution, is "MANY NUMEROUS MILLIONS OF DOLLARS" as itemized in the "UPDATED STATEMENT" rendered January 28, 1976 by this petitioner to the State of Ohio and/or our Federal Government and/or others. The original of that itemized Statement was mailed to this United States Supreme Court on that same date. Your attentions are respectfully directed to attached U.S.S.C. APPENDIX "M" page 10 beginning at item "IV" thereof for a copy of that "UPDATED STATEMENT". See beginning at page 17 thereof for the (15) fifteen party(ies) to whom copy(ies) were mailed.

2. **THE OFFICE(S) OF THE ATTORNEY GENERAL OF OHIO** and/or the State Courts and/or other(s) have "CREATED" and/or "CAUSED" the conditions which have "CAUSED" Just Compensation to become astronomically ridiculously inflated as itemized and explained in item No. 1 of this "NOTE". See this petition beginning at page "3 item D" for further explanation.

3. **PLEASE BE RESPECTFULLY REMINDED THAT TECHNICALLY "PER THE LAW"** even our United States Supreme Court "CANNOT" change that "LEGALLY JUST DUE AND OWING DEBT" to this petitioner described in "NOTE NO. 1" above. For further explanation see beginning at page 6 item "v" of this petition.

R or T.T. = Trial Transcript.

W/Pet. — Filed with the original and each copy of this petition in this United States Supreme Court.

00/00/00 — Date filed in U.S. Supreme Court other than and/or in addition to with this petition.

4. THIS PETITIONER RESPECTFULLY REQUESTS THE FOLLOWING OF THIS UNITED STATES SUPREME COURT:

A. They determine "REASONABLE COMPENSATION" to this petitioner. See "SUGGESTED GUIDE AND ANALYSIS ETC". beginning at page 27 item 20 of this petition. Also see U.S.S.C. APPENDIX "M" – page 5 – "Alternate No. 1 and page 7 – "Alternate No. 3";

B. They provide for the proper party(ies) to pay to this petitioner the said "REASONABLE COMPENSATION":

C. They request the resignation of whomever(s) responsible for the attempt to "USE" – "OUR UNTED STATES SUPREME COURT" in furthering this gross miscarriage of Justice and/or attempt(s) to make Ohio and/or our "U.S.A." –"TOTALITARIAN STATES". If those responsible refuse to accept the offer to resign – then in that event provide for "DUE PROCESS" to so provide.

5. FOR FURTHER DETAILS TO SUPPORT AND/OR JUSTIFY the said requests, by this petitioner, described in "NOTES 1 thru 4" above see the following:

A. "Final Conclusion" in this petition beginning at page 42 item "24";

B. The specific parts of the Trial Transcript of Record described in the "Table of Contents" of this petition page v item 4 as well as other specific parts of the "RECORD" referred to in this petition;

C. This petition and attached U.S.S.C. APPENDIXES "A and M" in their entirety.

NOTE – See page i of this petition for explanation of the footnotes – "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

Page

W/Pet. *PART I. INTRODUCTION ..... 1 thru 8

W/Pet. 1. Summary and Conclusion of Introduction ..... 8 thru 10

A. Purpose of; reference to supporting transcript records, Property Owners Exhibits 1 thru 5; 182 pg. Transcript sent to U.S. Supreme Court 2/5/76 2

W/Pet. 1/28/76 B. Attorney General of Ohio, Ohio State Courts, other(s) CREATED Just Compensation under Amendment V to be astronomically ridiculous; petitioner requests only reasonable compensation (item 'D') 3

a. Petitioners' supporting authority "Handling Federal Torts Claims" by Lester S. Jayson (item E). ..... .3 and 4

b. "Property is Taken in the Constitutional sense — the U.S. Supreme Court has said etc." — (item ii). 4

c. Price Fixing and non-adherence to Sherman Anti-Trust Acts as Amended — approved by Ohio Attorney General, Ohio State Courts and other(s) (item 'b'). 4

d. Petitioners' supporting Amendments of our U.S. Constitution V, VI, XIV, IX and VIII other(s) (item 'c') 4

*e. For supporting citations and further details see item '25' in this "Table of Centents. . viii

W/Pet. C. Petitioners' other supporting evidence ..... 4 thru 6

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

W/Pet. **D. The State Appraisers "ILLEGALLY"** —(it is UNCONSTITUTIONAL — see pg. 6 item 'v' of this petition and Amendments XIV and IX for explanation) placed a VALUE at petitioner's REMAINING LANDS — $6750 per Acre (R pg. 123 lines 13 and 14). The jury ILLEGALLY awarded petitioner $417 per acre or $114 for each six-plex lot destroyed at petitioners REMAINING LANDS. Land 8/10 of one mile to the north and from 8/10 of one mile to 1.8 miles to the S. of petitioners land was sold for approximately $31,830 to $80,640 per Acre. Two parcels one approximately 300 feet N. and one approx. 300 feet S. of petitioners land were sold for approximately $8,000 to $17,000 per acre. See this petition pg. 27 item "A" for nine specific parcels referred to in this item "D". For further details see attached U.S.S.C. APPENDIX 'A' beginning at page 2. Also see this petition. . . . . .5 and 6

W/Pet. **E. Petitioner explains** — that not even our U.S. Supreme Court can WITHIN THE LAW place a VALUE on petitioner's "Personal Intangible Private Property of OPPORTUNITY" in his REMAINING LANDS - (see attached U.S.S.C. APPENDIX 'A' - pg. 4); Amendments XIV and IX of our U.S. Constitution. Also see this petition item 'v'. . . . . .6 and 7

W/Pet. *** PART II. JURISDICTION** . . . . . 10 thru 54

1/28/76 W/Pet. 2. Opinions — see Appendixes 'A thru M' — item 3 thru 14 that follow. . . . . 10 thru 13

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

1/28/76 W/Pet. 3. Appendix 'A' — 67 pg. "Memorandum in Support of Jurisdiction copy attached. Contains Opinions by the Court of Common Pleas and 7th District Court of Appeals. Proves Price Fixing, Discrimination, other. Petitioners Chief Complaint — State destroyed OPPORTUNITY to have 22 six-plex lots 132 apartments units at his REMAINING LANDS in conflict with Amendments XIV & IX. UNCONSTITUTIONAL award by jury $114 per six-plex lot destroyed at his REMAINING LANDS. 10

1/28/76 4. Appendix "B" is a plan which the States Appraiser, Mr. Orville Kroeck, testified (R pgs. 129, 130, 135) is one of the "Highest and Best Uses" of petitioners land. For further testimony by Mr. Kroeck which further supports this court should Act as requested by this petitioner in the "*NOTE" of page i of this "Table of Contents" see (R pg. 115 lines 19 and 20; pg. 130 line 17; pg. 135 lines 10 thru 13; pg. 140 line 7 thru pg. 141; pg. 147 line 11 thru pg. 148; pg. 156 line 7 thru pg. 158 line 4; pg. 148 lines 12 thru pg. 149; pg. 123 lines 13 to 22) also see (attached U.S.S.C. APPENDIX 'A' top of pg. 31 thru pg. 35). For further supporting details see attached U.S.S.C. APPENDIX 'M' page 10 beginning at item 'IV' . . . . . see Appendix 'M' pg. 10 item 'IV'

1/28/76 5. Appendix 'F' — 7 pgs. "Memorandum Opposing Jurisdiction — FACTS DISTORTED. See petitioners notes attached thereto. 11

1/28/76 6. Appendix 'G' — "Partial Forth-With Reply Part 1" 11

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

1/28/76 7. Appendix 'H' — "Motion to Stay Decision — Part 2" 11

W/Pet. 8. Appendix 'E' — "Order to Overrule" Appendixes A, G, H by the Ohio Supreme Court 55

1/28/76 9. Appendix 'I' — 19 pgs. "Motion For Reconsideration" 11

W/Pet. 10. Appendix 'J' — "Hearing Denied" by the Ohio Supreme Court 55

1/28/76 11. Appendix 'K2" — "Motion for Reconsideration No. 2.....11

1/28/76 W/Pet. 12. Appendix 'K' — dismissal "SUA SPONTE" of Motion for Reconsideration No. 2 by Ohio Supreme Court 55

12/12/75 1/28/76 W/Pet. 13. Appendix 'L' — 6 page "Notice of Appeal to U.S. Supreme Court filed in the 7th District Court of Appeals 12/12/75 55

14 and 15-Order A-669 time extended for docketing Petition to April 12, 1976—APPENDIX M-4 55

2/5/76 16. Appendix 'M-1' — 8 pages — Addendum to Appendix 'M'. Enclosed therewith is photocopy of the entire 182 pg. trial transcript and a plan marked U.S.S.C. Appendix C-1 which is a plan — "PROPERTY OWNER'S EXHIBIT NO. 2" (R pg. 107 lines 6 thru 16) modified to conform with the State Appraisers testimony (R pg. 145 line 9 thru pg. 146 line 10). The overpass was added to conform with (R pg. 129 line 7 thru pg. 135 line 14; Amendments of our U.S. Constitution XIV & IX; Appendix 'O' pg. 17 of 20 — Offer No. 2 and Appendixes 'O thru W' inclusive. The further purpose of

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

No. 16 Continued

said plan and "PROPERTY OWNERS EXHIBITS 1 thru 5" (R 107 lines 6 thru 16) is to further support pages 3 thru 10 of this petition. Further that this Court should act as requested by this petitioner on page 'i' of this "Table of Contents". For further details see beginning at. 13

17. **Property Owners Exhibit No. 1 — Topographic Map of Engineering Fact — Not Opinion or Theory prepared by H. Strohecker Registered Engineer & Registered Surveyor experienced in Sub-Division Work (R pg. 107 lines 6 thru 16). For details and purpose thereof see this "Table of Contents" page v item 4; item "16" above and . . . . . .13 and 14

2/5/76 **18. **Property Owners Exhibit No. 2** — "Working Drawings" of Engineering Fact — Not opinion or Theory. For details see item "17" above and this petition. . . . . 14 thru 16

19. **Property Owners Exhibit No. 3 — Profile and Plan of Engineering Fact. Its purpose is to further clarify Exhibits No. 1 and 2. For details see item "17" above and item "C" . 16 thru 19

**See this petition beginning at page 13 item 15. Those pages explain where the said "PROPERTY OWNERS EXHIBITS" were introduced in evidence during the trial and where they were referred to in other parts of the transcript of record. They further explain other pertinent information. Copy(ies) of the originals will be forwarded upon request.

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

20. **Property Owners Exhibit No. 4 — AERIAL PHOTOGRAPH when coordinated with Exhibits 1, 2, 3, 5 are proof beyond doubt the Ohio Attorney General, the State Courts and others covered up price fixing, discrimination prefer a TOTALITARIAN STATE to Democracy. That this Court should act as requested by this petitioner in this "Table of Contents" — "*NOTE" page 'i'. For further details see item "D" ..... 19 thru 22

21. **Property Owners Exhibit No. 5 — AERIAL PHOTOGRAPH further supports Exhibits 1, 2, 3, 4. For details see item '20' above and item "E" .....22 and 23

W/Pet. **22. Statutes Involved (item 16)**.....23

W/Pet. 23. Constitutional Provisions involved (item 17) 23

W/Pet. 24. Other Reasons for invoking Jurisdiction of this Court (item 18) .....23 and 24

W/Pet. 1/28/76 **25. Supporting Citations etc. for invoking Jurisdiction of this court (item 19)**..... 24 thru 27

A.State of California v Anthony Pasquall Faretta - *U.S. Supreme Court Ruling June 30, 1975 — opinion by Mr. Justice Potter Stewart. In the action(s) described in this petition* —

**See this petition beginning at page 13 item 15. Those pages explain where the said "PROPERTY OWNERS EXHIBITS" were introduced in evidence during the trial and where they were referred to in other parts of the transcript of record. They further explain other pertinent information. Copy(ies) of the originals will be forwarded upon request.

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

No. 25 Continued

The State Courts forced petitioner against his will to retain a defender of other than his choice and they also denied this petitioner his request to conduct his own defense. Therefore petitioner should have at the very least been granted a new trial. For supporting proof see this petition (pg. 8 thru 4d) and — "19-Aa thru c" 25

B. **Price Fixing by the State Appraisers** — *violation of The Sherman Antitrust Acts as Amended and cover-up thereof by the offices of the Director of Transportation of Ohio, Attorney General of Ohio, the State Courts of Ohio and other(s). For details see item "19B"* 25

C. **The Jury was not comprised of Peers of this petitioner** *and/or of H. Strohecker Registered Engineer and Registered Surveyor who accumulated the uncontroverted and INCONTROVERTIBLE ENGINEERING FACTS — NOT OPINION OR THEORY and submitted them in evidence as "PROPERTY OWNERS EXHIBITS NOS. 1, 2, 3". They are shown and explained beginning at page 13 item 15 of this petition. For details see item "19C"* ..... *25 thru 27*

D. **"Handling Federal Torts Claims"** *by Lester S. Jayson. See page 9 item "B" and "*NOTES" on pg. "i." Also see item "19Ca thru d"* ..... *25 thru 27*

E. **See "PART I. INTRODUCTION"** *and the "*NOTES" in this "Table of Contents"* .... *iii thru iv*

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

F. Cooper v Aaron, 358, U.S. at Page one and other judicial pronouncement on the subject of hostile majorities who based their opinion(s) on this original opinion. See attached U.S.S.C. APPENDIX 'A' — page i — item "B".

G. The citations in said U.S.S.C. APPENDIX "A" pages i thru iv inclusive and supporting evidence in said U.S.S.C. Appendixes "A and M" attached are made a part of this petition as if they were totally re-written herein.

W/Pet. **26. Suggested Guide to Assist this Court determine** "REASONABLE COMPENSATION" to this petitioner for reasons explained at page "i" of this petition — "*NOTE" and at (item 20) ..... 27 thru 32

A. Numerous specific Sales $31,830.00 per acre to $80,640.00 per acre 8/10 of one mile each side of petitioners land. The $417 per acre this petitioner was awarded by the jury at his REMAINING LANDS is UNCONSTITUTIONAL. For details see pg. "i" — "*NOTE" and item "20-A" beginning at page..... 27 thru 32

B. Itemization of dollars petitioner will be required to pay out so he can have the OPPORTUNITY to use his REMAINING LANDS as demanded under Amendments XIV and IX. See beginning at item "B" ..... 29 thru 32

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

W/Pet. 27. UNCONSTITUTIONAL ACTS OF CONGRESS — for details see page "i" — "*NOTE"; item "21 and 22" beginning at page ..... 32 thru 38

W/Pet. 28. QUESTIONS PRESENTED (item 23)..... 38 thru 42

1/28/76 A. Questions Presented No. 1 thru 20 — see item "23A"..... 38

B. Question Presented No. 21 39

C. Question Presented No. 22 ..... 39 thru 41

D. Question Presented No. 23 41

E. Question Presented No. 24 41

F. Question Presented No. 25 ..... 41 thru 42

W/Pet. 29. FINAL CONCLUSION — Attorney General of Ohio, State Courts and Other(s) "TELL" U.S. Supreme Court to make U.S.A. a "TOTALITARIAN STATE" — same as they are trying to make Ohio. (they approve "CRIME(S)" of Price-Fixing; Discrimination, others - see Table of Contents pgs. viii, item 25..... 42 thru 46

A. Petitioner "WRONGFULLY IMPRISONED" by Attorney General of Ohio and/or State Courts of Ohio and/or Other(s) for period of about April 1971 thru April 1976. For details see beginning at paragraph "2" 43

W/Pet. 30. SUMMARY OF FINAL CONCLUSION — see item "A thru M"..... 46 thru 50

A. Requests by Petitioner and reasons for requests beginning at items "Aa thru c" 47

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

No. 30 Continued

B. See page "i" of this "Table of Contents" "*NOTES" FOR A CONDENSED SUMMARY AND QUICK UNDERSTANDING OF THE ISSUES. i

W/Pet. 31. "Proof of Service and/or Certification" and "Affidavit of Service" . . . . . 51 thru 54

***32. The following Certified Letters and other data which support this Court should Act as respectfully requested by this petitioner in items "29 and 30" above are made a part of this petition as if totally re-written herein:

A. Attached U.S.S.C. APPENDIX "M" and its entire contents. See the "INDEX" thereof page ii — **Appendixes "O thru A-1" inclusive.

B. Attached U.S.S.C. APPENDIX "A" — the entire (67) sixty-seven pages plus the "Table of Contents" thereof pages "i thru v".

***33. The foregoing 32 items constitutes only a part of this petitioners evidence. Petitioner respectfully reserves the right to forward additional evidence if it becomes necessary. See "32-A" above and "URGENTLY IMPORTANT — *NOTES" beginning on page i of this "Table of Contents".

34. Appendix Index 55

***Signifies these items will be forwarded upon request.

NOTE — See page i of this petition for explanation of the footnotes — "*NOTE"; W/Pet. and 00/00/00.

BLEED THROUGH

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term 1975

ALFRED A. ROBERTS
Petitioner

v

OHIO

PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS – SEVENTH DISTRICT
MAHONING COUNTY, OHIO

IN THE MATTER OF THE APPROPRIATION BY THE STATE OF OHIO OF THE FEE FOR HIGHWAY PURPOSES OF THE LANDS OF ALFRED A. ROBERTS ET AL., AND NECESSARY IN THE IMPROVEMENT OF INTERSTATE ROUTE NO. 680, SECTION 9.32, MAHONING COUNTY, OHIO.

To the Honorable Chief Justice and the Associate Justices of the Supreme Court of the United States:

The following and/or herein contained, including the attachments and/or content(s) therein, are, whether stated and/or implied, the opinion of this Petitioner-Appellant to the best of his knowledge and understanding.

This Petitioner-Appellant has attempted to present any facts contained herein and/or hereto related to the best of his knowledge and understanding.

I.

INTRODUCTION

1. **Some of the records (namely a photocopy of the entire original 182 page Trial Transcript; a copy of the 'PLANS' marked for identification purposes — U.S.S.C. APPENDIXES B, C-1 and C — "PROPERTY OWNER'S EXHIBIT NO. 2 (R Defendant Ex 2; R-107-lines 6 to 10; -38-56) and other data hereinafter described) that, among other things, contain uncontroverted and incontrovertible ENGINEERING FACT — (NOT OPINION) were submitted to this United States Supreme Court January 28, 1976 and February 5, 1976 respectively by this petitioner.**

2. **The previously described were submitted to this Court, for among others, reason(s) those that follow:**

A. To become a part of this and/or these petitions as if they were fully and totally re-written herein;

B. for acceptance by this court as a timely filed and/or docketed action(s) as, but not limited to, described in the caption,

C. hopefully, to accomplish, as soon as possible and preferably, the purpose(s) described in attached U.S.S.C. APPENDIX 'M' — Alternate No. 5 (of 8 alternates submitted by this petitioner) for reason(s) explained therein (and especially beginning at page 10 item IV thereof);

BLEED THROUGH

D. Because they prove beyond doubt that it is in the best interest of the people of the State of Ohio and/or our Federal Government (as taxpayers who will ultimately pay the continuously astronomically increasing "BILL" as itemized in attached U.S.S.C. APPENDIX 'M' page 10 item IV) to settle this matter as soon as possible as described in said Alternate No. 5. The foregoing astronomically increasing liability (ies) to the taxpayers has and/or is continuing to occur because the office of the Attorney General of the State of Ohio and/or the State Courts of Ohio and/or our Federal Government and/or others have CREATED a situation that has CAUSED JUST COMPENSATION (as demanded under Amendment V of our United States Constitution) to become astronomically inflated and in fact to have already reached ridiculous proportions because of the act(s) and/or failure(s) to act by these previously described in this item 'D'. This is especially true because of the continuous Certified letters this petitioner has written to those described in this item 'D' beginning long before negligent and/or malicious injury was CREATED and/or CAUSED to this petitioner and/or to his REMAINING LANDS and/or to his other property(ies) by those described in this item 'D'. Your attention(s) are respectfully directed to attached Appendix 'M' — Index page ii for Appendix numbers and/or lettering assigned to the said certified letters and/or other relevant data;

E. The heretofore described LEGALLY, JUST, DUE and OWING DEBT (S) are recoverable, by this Petitioner, either under these action(s) described in the caption and/or under The Federal Torts Claim(s) Act(s) and/or both. In that regard; your attention(s) are respectfully directed to, but not limited to, that which follows for supporting evidence:

a. **"Handling Federal Tort Claims"** by Lester S. Jayson — Director, Congressional Research Library of Congress, see but not limited to:

i. **Volume 1 - page 9-24 —** where property is taken for public use remedy is through Court of Claims or in District Courts;

(ii) **Volume 1 - page 9-26** — "Property is taken in the Constitutional sense, the Supreme Court has said," — "when inroads are made upon an owners use of it to an extent that, as between private parties, a servitude has been acquired either by agreement or in the course of time" — (see attached U.S.S.C. Appendix 'A' beginning at page "23 item II" in this regard); and Appendix 'O' page 17 of 20 — "OFFER NO. 2".

b. Sherman Antitrust Act(s) as amended — see attached U.S.S.C. Appendix 'A' beginning at page 1 for details — (in this regard);

c. Amendments of our United States Constitution, including but not limited to, V, VI, XIV, IX, and VIII. Also see U.S.S.C. APPENDIX 'L' — "Notice of Appeal" beginning at bottom of page 1 of 6. They are all made a part of this Petition as if totally re-written herein.

3. The foregoing U.S.S.C. APPENDIX 'M'; attached Appendix 'A', Appendix M-1; the herein and following (mailed to our United States Supreme Court on the dates shown hereinafter) will explain and/or support these statements in further detail:

A. **January 28, 1976** — submitted by certified mail (19) nineteen pages plus an Index consisting of pages i and ii. The nineteen pages was marked for identification purposes as U.S.S.C. APPENDIX 'M'. Your attention(s) are respectfully directed to the 'INDEX' for identification of the (13) thirteen attachments submitted therewith. Among the attachments was the (67) sixty-seven page "MEMORANDUM IN SUPPORT OF JURISDICTION" filed by this petitioner in the Supreme Court of Ohio August 19, 1975. A copy thereof and of the entire (19) nineteen pages of the U.S.S.C. APPENDIX 'M' are attached to each of the required copies of this "PETITION FOR A WRIT OF CERTIORARI" etc. that will be filed and/or docketed in this United States Supreme Court on or about or before April 12, 1976;

B. **February 5, 1976** — submitted by certified mail (8) eight pages marked for identification purposes as U.S.S.C. APPENDIX 'M-1'. Attached therewith were the following

BLEED THROUGH

(see pages 2, 3, 4 and 6 thereof for details):

a. Alternates 7 and 8 — see page 2 thereof;

b. Appendix M-2 — photocopy of the entire 182 page trial transcript;

c. Appendix C — is a 'PLAN' — copy of "PROPERTY OWNER'S EXHIBIT NO. 2" submitted in evidence in behalf of this petitioner by Mr. Harold Strohecker registered engineer and registered surveyor experienced in sub-division work. Your attentions are directed to both this plan and the plan 'C-1' hereinafter described. The said plans and notes written thereon, by this petitioner, combined with the attached U.S.S.C. APPENDIX 'A' beginning at page 4 explains the significant issues — (Part II — 'QUESTION(S) PRESENTED' beginning at page 38 that follows will further clarify these items "c, d, etc");

d. Appendix Y — pages VI, VII, VIII and IX of written data that, among other things, on page VII item II-10 thereof cite in detail numerous SALES within less than one mile both to the north and the south of petitioners land (which occurred during the same period in which the sales occurred that were entered in evidence by Mr. Kroeck, the appraiser who testified for the State of Ohio and/or our Federal Government. The said described property(ies) were sold for from between approximately $31,830.00 per acre to $80,640.00 per Acre. The sales entered in evidence by Mr. Kroeck were located a much greater distance from petitioners land. Furthermore not one of the sales entered in evidence by Mr. Kroeck were comparable in anyway whatsoever. (by his own admission T.T. page 115 lines 19 and 20); Further:

i. even Mr. Kroeck placed a value on the front part of petitioner's Land (see T.T. page 123 lines 13 and 14) at $6,750 per acre

ii. although it is uncontroverted and incontrovertible ENGINEERING FACT (AND NOT OPINION THAT CAN STILL OF THIS DATE BE PROVED OR DISPROVED):

(see notes on the Plan U.S.S.C. APPENDIX C-1 for clarification); the jury **ILLEGALLY** awarded this petitioner for the six acres totally destroyed because of the construction of the highway $2500 divided by 6 acres destroyed. For each acre destroyed the jury **ILLEGALLY** awarded this petitioner for each acre destroyed ..... $417.00.

iii. Mr. Kroeck admitted (T.T. Page 115 lines 19 and 20) that the selling price of the lands he had entered in evidence were for lands that IN FACT WERE NOT COMPARABLE TO THE PETITIONERS LAND;

iv. See attached U.S.S.C. APPENDIX 'A' page 31 (in this regard) which proves further beyond doubt this petitioner did not get a fair trial as is demanded under Amendments XIV and IX of our United States Constitution. Further that this petitioner did not receive JUST COMPENSATION as is demanded under Amendment V;

v. REGARDING PETITIONERS REAL PROPERTY OF **REMAINING LANDS** – THIS PETITIONER RESPECTFULLY REMINDS THIS COURT THAT IN ADDITION TO OWNING HIS PROPERTY OF **REMAINING LANDS** HE ALSO RETAINS A DISTINCTLY SEPARATE AND ADDITIONAL OWNERSHIP OF PERSONAL INTANGIBLE PROPERTY OF CONSTITUTIONAL RIGHTS IN THAT REAL LAND THAT NO ONE CAN (WITHIN THE LAW) PLACE A VALUE THEREON (OTHER THAN THIS PETITIONER). PETITIONER FURTHER RESPECTFULLY REMINDS THIS COURT THAT IN STRICT ACCORD WITH OUR UNITED STATES CONSTITUTION NOT EVEN OUR U.S. SUPREME COURT (CAN WITHIN THE LAW) PLACE A VALUE ON THIS PETITIONERS INTANGIBLE PERSONAL PRIVATE PROPERTY OF "**OPPORTUNITY**" TO USE HIS REMAINING LANDS TO EARN A LIVELIHOOD AND/OR ENGAGE IN FREE ENTERPRISE AS IS DEMANDED UNDER AMENDMENTS XIV AND IX OF OUR U.S. CONSTITUTION. THIS IS ESPECIALLY TRUE IN THIS SPECIFIC ACTION (S) BECAUSE SEE THE "INDEX" OF APPENDIX "M" PAGE ii APPENDIXES Q,

BLEED THROUGH

PAGE 17 OF O WHERE IT SAYS "OFFER NO. 2"; P, R, S, T, U, V, W. IN THE SAID APPENDIXES (WHICH ARE MOSTLY CERTIFIED LETTERS) THIS PETITIONER HAD ADVISED AND FOREWARNED THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT THE MANNER IN WHICH THEY COULD AND SHOULD PROCEED SO THE CONSTRUCTION OF THE HIGHWAY WOULD CONFORM WITH AMENDMENTS XIV, IX and V IN RELATIONSHIP TO PETITIONER'S REMAINING LANDS. IN THE ABOVE DESCRIBED OFFERS NO. 1 AND NO. 2 THIS PETITIONER HAD INFORMED THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT THE VALUE HE WAS PLACING ON THE DESTRUCTION OF HIS PERSONAL PRIVATE INTANGIBLE PROPERTY OF OPPORTUNITY IF THEY CHOSE TO DESTROY PETITIONERS OPPORTUNITY TO USE THOSE REMAINING LANDS TO EARN A LIVELIHOOD AND/OR ENGAGE IN FREE ENTERPRISE AS IS DEMANDED UNDER AMENDMENTS XIV AND IX. THE VALUE PETITIONER PLACED ON SAID OPPORTUNITY WAS NOT AN ARBITRARY ONE. IT WAS BASED ON UNITED STATES DEPARTMENT OF COMMERCE DATA. PETITIONER EXPLAINED ALL THIS TO THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT IN THE SAID CERTIFIED LETTERS PREVIOUSLY DESCRIBED. PETITIONER FIRST BEGAN TO EXPLAIN THE FOREGOING TO THE PROPER AUTHORITY(IES) OF THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT BY PHONE CONVERSATION(S) OF RECORD (SOME BY LONG DISTANCE) BEGINNING MORE THAN ONE YEAR BEFORE THE CONTRACT FOR CONSTRUCTION OF THE HIGHWAY WAS AWARDED TO MILLER-KEFFLER CONSTRUCTION COMPANY AND IN WRITING BY CERTIFIED MAIL MORE THAN TWO MONTHS BEFORE THE CONTRACT WAS AWARDED TO MILLER-KEFFLER CONSTRUCTION CO. *These do not take into consideration the (relevant in some respects) data and/or agreements of record this petitioner retains; some beginning prior to 1950 —*

see attached U.S.S.C. Appendix 'A' beginning at page 23 item II thereof). PETITIONER CONTINUED TO REMIND THE AUTHORITY (IES) FOR THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT AND/OR OTHERS CONTINUOUSLY THEREAFTER BY CERTIFIED MAIL. YOUR ATTENTIONS ARE RESPECTFULLY RE-DIRECTED TO THOSE CERTIFIED LETTERS WHICH ARE DESCRIBED IN THE INDEX OF ATTACHED U.S.S.C. APPENDIX 'M' PAGE ii APENDIXES Q, O PAGE 17 OF 20 WHERE IT SAYS **"OFFER NO. 2"**; APPENDIXES P, R, S, T, U, V, W, A-11, A-12, A-13, A-1 AND X FOR VERIFICATION OF THE FOREGOING.

4. SUMMARY AND CONCLUSION PERTAINING TO THE CONTENT (S) OF THE INTRODUCTION FOLLOW.

A. **The Office of the Attorney General of the State of Ohio** and/or the State Courts and/or our Federal Government and/or other(s) have either **CREATED** a situation **WORSE THAN THE WATERGATE MATTER** and/or they have negligently, as employees of our Federal Government, — (as employees of our Federal Government are defined under the Federal Torts Claims Acts) injured this petitioner under those Law(s). Your attentions are respectfully re-directed to:

a. **"Handling Federal Tort Claims"** — by Lester S. Jayson Volume 1 — page 9-26 — (as well as said Volume 1 and/or all other volumes in their entirety);

b. **attached U.S.S.C. APPENDIX 'A'** — (67 pages) — specifically beginning at page 23 item II;

c. **The Sherman Antitrust Act(s)** as amended — see U.S.S.C. APPENDIX 'A' beginning at page 1 thereof for details; (at the very least there was by some of those described in '4A' — abuse of power and/or discretion either negligently and/or with malice),

d. **State of California v Anthony Pasquall Faretta** — U.S. Supreme Court Ruling, June 30, 1975. Counsel was forced on petitioner — defendant against his will by some of those

BLEED THROUGH

described in '4A'. For details see attached U.S.S.C. APPENDIX 'A' — page iii; attached U.S.S.C. APPENDIX 'M' — page ii — Appendixes X, A-1; O-page 9 of 20 beginning next to last paragraph; P-page 7 of 7 paragraph 1; Appendix 'M' — page 9 item III-7; Amendments VI and XIV of our U.S. Constitution; Title 28 U.S.C. 1252 is made a part of this petition as if it were totally re-written herein;

e. Petitioner was Discriminated against by those described in '4A' — See U.S.S.C. Appendix R — (Cert. Ltr. 11/16/73) pg. 2 of 3 paragraph 7; attached U.S.S.C. APPENDIX 'M' — page ii — Appendixes shown thereon — O, Q, S, T, U, W; attached U.S.S.C. Appendix A — page 14 item "I-7";

f. Petitioner did not get equal treatment of the Law(s) — see U.S.S.C. APPENDIX 'M' — page i — Appendixes shown thereon — D, E, F, G, H, I, J, K, K-2, L; others;

g. attached U.S.S.C. APPENDIX 'M' — in its entirety.

B. JUST COMPENSATION legally **DUE AND OWING** this Petitioner (because of the situation(s) **CREATED** by those described in "4A" above) as itemized in attached U.S.S.C. APPENDIX 'M' beginning at page 10 item IV) **"STATEMENT FOR JUST DUE AND OWING DEBTS TO ALFRED A. ROBERTS FROM THE STATE OF OHIO" ETC."** is unquestionable according to the existing **LAW(S)** and/or **RECORDS**, among others, for reasons explained in item '4-A-a thru f' on page 8 of this petition. Simply stated those described in item '4A' of this petition have not only discriminated against this petitioner, but have and/or are continuing, in the manner stated in '4A' of this petition deprived him of his Constitutional Rights under Amendments of our United States Constitution V, IX, XIV, VI, VIII; other(s). They arbitrarily refuse to honor a written contract(s).

a. **QUESTION PRESENTED NO. 21** — How much worse can they get?? See attached U.S.S.C. APPENDIX 'M'

beginning at page 14 item VI for "Questions Presented" 1 thru 20 inclusive.

5. Therefore, this petitioner again respectfully requests this Honorable Court to act:

A. preferably as requested in attached U.S.S.C. APPENDIX 'M' page 5 item 'I-4' – Alternate No. 1 and/or

B. page 7 thereof Alternate No. 3 – for the additional reasons; those described in said U.S.S.C. APPENDIX 'M' page 6 items 'I-5A thru D' inclusive.

II.

JURISDICTIONAL STATEMENT (S)

1. The 'Opinion(s)' on which Jurisdiction of this Court is invoked, among other(s) are as follows. For copies of the following opinion see attached, (printed booklet marked) U.S.S.C. APPENDIX 'A' – (Page v for location of copies thereof) or Appendix of this petition:

APPENDIX	PAGE
a. Judgment Entry Court of Common Pleas	.55
b. Opinion of The Court of Appeals	.55
c. Judgment Entry in The Court of Appeals	.55
d. Notice of Appeal to The Supreme Court of Ohio	.55

2. AUGUST 19, 1975 – a "PRINTED" (67) sixty-seven page (plus pages 'i thru v' – Table of Contents) – "MEMORANDUM IN SUPPORT OF JURISDICTION" was filed timely in the Supreme Court of Ohio. A copy thereof was mailed to this United States Supreme Court January 28, 1976. A copy thereof is appended to each of the copies filed with this petition in this Court. They are marked

BLEED THROUGH

for identification purposes U.S.S.C. APPENDIX 'A';

*3. **September 18, 1975** — a (7) seven page **(TYPEWRITTEN)** — "Memorandum Opposing Jurisdiction" was filed in The Supreme Court of Ohio by an Attorney for the Plaintiff-Appellee. A photocopy (including relevant notes by this petitioner) was mailed to this Court 1/28/76. It was marked for identification purposes — U.S.S.C. APPENDIX 'F'.

*4. **September 23, 1975** — Petitioner-Appellant mailed by U.S. certified mail — (receipt No. 039540) (to the Supreme Court of Ohio) a (3) three page **"PARTIAL FORTH-WITH REPLY — PART 1"** (with a request for a leave to complete the said Forth-With Reply — Part 1. A photocopy thereof was mailed to this Court 1/28/76; U.S.S.C. Appendix 'G'.

*5. **September 26, 1975** — Petitioner-Appellant mailed to the Ohio State Court postage prepaid by U.S. certified mail (receipt No. 039542) — **"Motion to Stay Decision — Part 2"**. A photocopy marked U.S.S.C. APPENDIX 'H' was mailed to this Court 1/28/76;

6. **October 10, 1975** — The Supreme Court of Ohio overruled items 2,4,5 above. A copy of the **"Order to Overrule"** is appended to each of the copies filed in this Court. They are marked U.S.S.C. APPENDIX 'E'. 55

*7. **October 20, 1975** — petitioner-appellant timely filed (in the Ohio State Court) by personal appearance a (19) nineteen page "Part 3 — Motion for Reconsideration and/or Addendum to Motion to Stay Partial Forth-With Reply" A photocopy was mailed to this U.S. Supreme Court 1/28/76. It was marked U.S.S.C. APPENDIX 'I';

8. **November 14, 1975** — The Supreme Court of Ohio ordered the hearing denied. A copy is appended to each of the copies filed in this court. They are marked U.S.S.C. APPENDIX 'J'. 55

*9. **November 24, 1975** — Petitioner-Appellant timely filed "Part 4" — "Motion for Reconsideration No. 2". A photocopy was mailed to this Court 1/28/76; It was marked U.S.S.C. APPENDIX K2;

* Signifies petitioner will forward additional copies to this Court on request.

10. December 5, 1975 — The Supreme Court of Ohio dismissed "sua sponte" the "Motion for Reconsideration" filed November 24, 1975. A copy was mailed to this Court 1/28/76. A copy is appended to each of the copies filed in this Court. They are marked U.S.S.C. APPENDIX 'K'. 55

11. December 12, 1975 — Petitioner-Appellant timely filed (by personal appearance) a six page **"NOTICE OF APPEAL"** to The Supreme Court of the United States in the Seventh District Court of Appeals. It is marked U.S.S.C. APPENDIX 'L'. A photocopy(ies) were mailed to this Court 12/12/75 and again 1/28/76. (15) separate and additional copy(ies) were served on other(s) who are relevant. See pages 3 of 6 and 4 of 6 for those served. A copy is appended to each of the copies filed in this Court. See items 12, 13, and 14 that follow — time extended to and including April 12, 1976, by Mr. Justice Potter Stewart (see No. A-669), for filing and/or docketing this Appeal. APPENDIX 'L' 55

NOTE — PETITIONER IS REPEATING ITEMS 12, 13 AND 14 THAT FOLLOW FOR THE PURPOSE OF EXPEDIENT ANALYSIS BY THIS COURT.

12. January 28, 1976 — Petitioner submitted to this Court a (19) page (plus Index pages i and ii) — "I — Application for Extension of Time and/or — II — Alternate Motion(s)" by certified mail No. 039558. It is marked U.S.S.C. APPENDIX 'M'. A copy of the entire nineteen pages and the Index pages i and ii are appended to each of the copies of this petition. The original and (15) fifteen copies thereof were served on the relevant party(ies) shown on pages 17 and 18 thereof;

13. February 2, 1976 — Mr. Justice Stewart signed the order No. A-669 extending petitioners' time for "filing a petition and/or for docketing an appeal" to and including April 12, 1976; U.S.S.C. Appendix 'M-4' 55

BLEED THROUGH

14. February 5, 1976 — Petitioner submitted to this Court by certified mail No. 039561 — "Addendum to U.S.S.C. APPENDIX 'M'. It contains (8) eight total pages. It is marked U.S.S.C. APPENDIX 'M-1'. The following (2) two items were appended thereto. See pages 2 and 3 thereof:

A. U.S.S.C. APPENDIX 'M-2' — a photocopy of the entire 182 page trial transcript;

B. U.S.S.C. APPENDIX 'C-1' — "PROPERTY OWNER'S EXHIBIT NO. 2 — with Commercial front added.

15. THE FOLLOWING "EXHIBITS OF THE PROPERTY OWNER" (NO. 1 THRU NO. 5 INCLUSIVE) COMBINED WITH "JOINT EXHIBIT NO. 1" — PERMITS (AND IN FACT DEMANDS) THAT THE JURISDICTION OF THIS COURT TO BE INVOKED. THE FOLLOWING CONTRIBUTE FURTHER PROOF BEYOND DOUBT THAT JUST COMPENSATION TO THIS PETITIONER AS DEMANDED UNDER AMENDMENT V OF OUR UNITED STATES CONSTITUTION IS APPROXIMATELY AS STATED BY THIS PETITIONER IN HIS UPDATED ITEMIZED — "STATEMENT FOR JUST DUE AND OWING DEBTS TO ALFRED A. ROBERTS ETC." IN ATTACHED U.S.S.C. APPENDIX 'M' BEGINNING AT PAGE 10 ITEM IV. The following described 'EXHIBITS' were all shown as offered to admission into evidence in the Trial Transcript Page 107 lines 6 thru 10 inclusive. Petitioner refers to the OTHER portions of the Trial Transcript in which reference is made to the said exhibits as such — (R pg. 00 lines 0 - 00):

A. PROPERTY OWNER'S EXHIBIT NO. 1 — (R. pg. 27 line 1 to pg. 38 line 7) — is a Topographic map of uncontroverted and incontrovertible data of ENGINEERING FACT (NOT OPINION) compiled by Mr. Harold Strohecker, Registered Engineer and Registered surveyor experienced in sub-division work. This data of ENGINEERING FACT can still be proved or disproved as of this date. The said map is

dated April 22, 1972. In that regard; the jury **WERE NOT COMPRISED OF PEERS OF THIS PETITIONER OR OF MR. STROHECKER**. Therefore this petitioner believes that (because the jury was not comprised of peers of this petitioner or Mr. Strohecker) according to our United States Constitution and/or by statute, at the very least, the trial was illegal, null and void. Based on this — this petitioner respectfully requests, at the very least, a new trial. Based on this; this petitioner respectfully, again, requests this Court to proceed according to Alternates 1 and/or 3 described in attached U.S.S.C. APPENDIX 'M' page 5 and/or 7.

B. PROPERTY OWNERS' EXHIBIT NO. 2 — (R pg. 38 line 8 thru pg. 56; pg. 21 line 11 thru pg. 72 beginning line 15 thru pg. 76) is a plan of the petitioners land that shows one of the "Highest and Best Uses" (of his land) as a six-plex apartment complex. This Exhibit shows, among other things, the roads, topography (of the land), existing and proposed grades, sanitary sewers, laterals, storm sewers and storm sewer laterals, etc. This Exhibit No. 2 combined with Exhibits No. 1 and No. 3 would be referred to in ENGINEERING — BUILDER-LAND DEVELOPER terminology, as "WORKING DRAWINGS". All the appraisers who testified agree this plan was one of the Highest and Best Uses of petitioners land. According to Mr. Kroecks' testimony (Kroeck testified in behalf of the State and/or our Federal Government) (R pgs. 129, 130 and 135 lines 10 thru 13) — This is a very conservative plan (Kroeck testified 'APPENDIX B' is the highest and best use of petitioners land. Of course this even worsens the States Case because this petitioner had forwarded to Mr. Thorne, Mr. Richley and others this plan with certified letter dated November 14, 1973 see attached U.S.S.C. Appendix 'M' — Index pg. ii (Appendix O paragraph one thereof) (also see the other numerous certified letters referred to in the INDEX). Back to Kroecks' testimony. Kroeck further testified (R pg. 145 lines 9 thru 23; pg. 146 lines 1 thru 10) that the front; — (part of the six acres which were totally destroyed because of

BLEED THROUGH

the highway cut) was COMMERCIAL LAND. Mr. Roche agreed (R pg. 68 lines 23 thru line 7 of pg. 69). Also see (R pg. 71 lines 1 thru 23; pg. 72 lines 1 thru 16). Mr. Strohecker showed by uncontroverted and incontrovertible ENGINEERING FACT (NOT OPINION) that six acres (of which that COMMERCIAL LAND, according to Kroecks' testimony, is a part) was totally destroyed because of the highway cut. Numerous parcels of Land (of which this petitioner has knowledge and which are of official public records) within one mile to the south and a parcel to the north, of petitioners land, were sold for between approximately $31,930 per acre to $80,640 per acre. The jury awarded this petitioner ($417) Four hundred Seventeen and00/100 per acre x 6 acres destroyed = $2500 for six acres totally destroyed. How could this possibly be JUST COMPENSATION as is demanded under Amendment V of our United States Constitution?:(See pg. 41 — Q. No. 25).

a. when even Mr. Kroeck admitted (R 115 lines 13 thru 20) the selling price of the lands he had entered in evidence were for lands that IN FACT WERE NOT COMPARABLE TO THE PETITIONERS LAND:

b. even Mr. Kroeck placed a value on the front part of petitioner's land (R pg. 123 lines 13 and 14) at $6,750 per acre. If the jury had based their award on the evidence at the trial — the very least they would have awarded petitioner would have been $6,750 per Acre x 6 acres destroyed = $40,500.

For further details see "INTRODUCTION" — I pg. 5 item "3Bd". For the specific numerous parcels of land that were sold for between approximately $31,930 to $80,640 per acre and petitioners analysis thereof as well as other contributing factors to assist this court in determining JUST COMPENSATION to this petition - see pg. 27 item 20A.

But this still isn't the issue of **PRIME** importance and concern to this petitioner. For the issues of **PRIME** importance and concern to this petitioner; your attentions are

respectfully directed to the following:*

a. "Summary of Final Conclusion"-pg. 46 items "A&B";

b. attached U.S.S.C. APPENDIX 'M' beginning at page 10 item IV. Then to pages thereof 5 Alternate No. 1 and/or page 7 alternate No. 3.

c. attached U.S.S.C. APPENDIX 'A'; "PROPERTY OWNERS' EXHIBITS No. 3, 4 and 5 that follow.

C. PROPERTY OWNERS' EXHIBIT No. 3 - (R pg. 44 beginning at line 9 thru pg. 56 (Strohecker); Silvestri - pg. 78 line 1 thru pg. 80; (Reinman - beginning at pg. 18 thru pg. 33) - is the "PROFILE AND PLAN" that shows, among other things, existing grades and proposed grades, cut and fill required, existing and proposed manholes; existing and proposed storm catch basins, elevations etc. This "PROFILE AND PLAN" works in conjunction with and explains to an Engineer and/or Builder - Land Developer (or other such professional experts) the necessary facts help full (to Exhibit No. 2) in sub-dividing a parcel of land. That is it contributes details for a clearer understanding of the "WORKING DRAWINGS" marked "PROPERTY OWNERS EXHIBIT No. 2". Again - drawings Property Owners Exhibits No. 1, 2 and 3 are in and of themselves and/or are based on ENGINEERING FACT (NOT OPINION) that can still be proved or disproved as of this date.

NOTE REGARDING "PROPERTY OWNERS' EXHIBITS 1, 2, 3". YOUR ATTENTIONS ARE RESPECTFULLY DIRECTED TO THE DATES ON SAID EXHIBITS. YOU WILL NOTE THEY ARE AS FOLLOWS:

1. Exhibit No. 1 - April 22, 1972; 2. Exhibit No. 2 - January 12, 1973, 3. Exhibit No. 3 - January 1974. First - Exhibits 2 and 3 are merely modified revisions of Exhibit

*see Unconstitutional acts of Congress pg. 32 item 22

BLEED THROUGH

No. 1 dated April 22, 1972 (the date of the trial was March 1974). The purpose of the said plans were merely to show ONE of the "Highest and Best Uses" of petitioners land and ONE way in which it could be sub-divided to conform with existing Laws and other conditions. That is the PRIME PURPOSE OF THE DESCRIBED EXHIBITS was merely to point out ONE of the OPPORTUNITY(IES) of which the REMAINING LANDS for the purpose of supporting the OFFER(S) this petitioner made to the State of Ohio and/or our Federal Government and others on page 17 of 20 of the Certified Letter dated November 14, 1973 - (see attached U.S.S.C. APPENDIX 'M' - INDEX thereof page ii item "0" for reference to that letter). This (offer(s) etc.) was repeated to those described in this petition - page 3 item "I-2D" on not less than several occasions, including as explained in attached U.S.S.C. APPENDIX 'A' beginning at page 3 thereof. Secondly - all three of the said Exhibits are REVISIONS of the original survey, maps and plans accumulated prior to or about 1950 by George Montgomery (Registered Engineer and Registered surveyor) (and/or other Engineering firms(s). Mr. Montgomery was assisted by Alfred A. Roberts, Frank P. Roberts (father of Alfred A.) and other(s) during that time as well as during the topographic re-appraisal in or about 1962. Mr. Montgomery re-surveyed the original survey of 1950 in or about December 1962. Petitioner has one of those original re-surveys in his possession. The original plans for the land were revised as herein described (for the purpose of meeting the revised requirements of the Mahoning County Planning Commission and for meeting other changed conditions) and updated in or about - April 1954; January 1963; (Exhibit No.1) - April 22, 1972; (Exhibit No. 2) - January 12, 1973; (Exhibit No. 3) - January 1974.

2. The contents of the foregoing paragraph is further supported by the following:

A. (R pg. 97 beginning at line 9 thru 14); Also regarding fill dirt see/(R pg. 106 lines 14, 15, 16; pg. 18 thru pg. 33;

and the entire transcript), Certified Letters described on page ii of the INDEX of attached U.S.S.C. APPENDIX 'M';

B. Numerous Negotiators Reports shortly after April 17, 1971 (shortly after the State of Ohio made their offer of approximately $6,725 — which they refused to revise). See said negotiators reports — the negotiator for the State of Ohio and/or our Federal Government refused to accept the above described plans for the purpose of re-assessing their ridiculous appraisals and offer. See Certified letter No. 580814 dated 4/17/71 AA R to the State of Ohio. That letter proves beyond doubt — the State of Ohio wasn't interested in determining JUST COMPENSATION, or permitting petitioner the right to represent himself as counsel in behalf of himself (see State of California vs. Anthony Pasqual Faretta — attached U.S.S.C. Appendix A pg. iii in this regard);

C. correspondences with Division 4 of the Department of Transportation of the State of Ohio since or about 1962;

D. attached U.S.S.C. APPENDIX 'A' beginning at page 23 item II;

E. other(s)

3. Simply stated, it appears, those described on page 3 of this petitioner item "2D" weren't interested in negotiating "IN GOOD FAITH" or "JUST COMPENSATION" to this petitioner as is "DEMANDED" under Amendment V of our United States Constitution; but preferred to "CREATE A LAWSUIT" for the purpose of leaving Just Compensation "ILLEGALLY" to chance and guess or conjecture. The contents of the lawsuit, trial transcript and appeals thru the three State Courts (as herein explained) support this beyond doubt. Under these specific circumstances in this specific matter (those described at page 3 of this petition item "2D"- at the very least were negligent as employees of our Federal

BLEED THROUGH

Government. Further they have (in the opinion of this petitioner) **"ILLEGALLY EATEN THEIR CAKE"**; *still have it* **"ILLEGALLY"** *and are trying to* **"USE"** *this Honorable Court to continue to keep it* **"ILLEGALLY"** — *all at the total expense of this petitioner.*

D. PROPERTY OWNERS' EXHIBIT NO. 4 — (R pg. 88 beginning at line 20 thru page 91) — is one of two AERIAL PHOTOGRAPHS entered in evidence. Exhibit No. 5 is the other. Mr. Thorne approved the admission of both of these exhibits in evidence (R pg. 107 lines 11 thru 15). The attention of this Court is respectfully directed to the said Aerial photograph — Exhibit No. 4. When holding this photograph (as normally held for viewing), North is located at the Left. It is suggested you place this photograph in such a position you can view and compare it simultaneously with PROPERTY OWNERS' EXHIBIT NO. 2. Your attentions are respectfully directed to the intersection of South Ave. (S.R. 164) where it intersects with Lake Park Road and forms the "Y". The said "Y" can be seen in the said photograph at the extreme left-hand edge. By referring to this photo and Exhibit No. 2 simultaneously, you will note petitioners parcel extends from the said "Y" (at South Avenue — Lake Park Road) in an easterly direction to where the house can be seen. Some of those houses abut petitioners most easterly Property Line. The area cleared for construction of the highway is clearly distinguishable. The highway take area can be more accurately identified by referring to Exhibit No. 2 as it is related to and significantly effects this petitioners REMAINING LANDS. To the north of petitioners parcel you can see the Industrial Development referred to by Mr. Roche (R pg. 69 lines 3 and 4). At least a part of the said area is owned by former Common Pleas Judge Sidney Rigelhaupt-Velma Davis wife of Builder-Developer D.D. Davis. The State of Ohio took and/or provided so others could take fill earth that has a value of approximately $72,000 from Petitioners land to the REMAINING LANDS of said Judge Rigelhaupt-Velma Davis against the objection by certified mail by this petitioner. For details see:

a. Property Owners Exhibits No. 4 and 5 — (they are AERIAL PHOTOGRAPHS);

b. Topography map of the said area by Baker Engineering Company. Baker Engineering Company did the topography work for the State of Ohio in the Construction of the Highway;

c. attached U.S.S.C. APPENDIX 'A' beginning at page 2 item 2,

d. attached U.S.S.C. APPENDIX 'M' — page ii of the 'INDEX' thereof — Appendix "O" (it is the 20 page certified letter dated 11/14/73); Appendixes P thru W inclusive;

e. approximately 200 "PROGRESS PHOTOGRAPHS" taken by this petitioner during the construction of the highway. By coordinating the "PROGRESS PHOTOS" with the negotiators reports and the certified letters described on page ii of the "INDEX" of attached U.S.S.C. APPENDIX 'M'; they prove further beyond doubt the State of Ohio and/or our Federal Government, at the very least, injured this petitioner negligently (and IN FACT MALICIOUSLY — in the opinion of this petitioner). That the $417 per Acre or $157 (awarded by the jury, see U.S.S.C. APPENDIX 'A' beginning at pg. 23 item II, for the total destruction to this petitioner of the OPPORTUNITY to have each said six-plex lot) at petitioners REMAINING LANDS is ridiculous. That Just Compensation as DEMANDED under Amendment V of our U.S. Constitution is in fact approximately as shown in attached U.S.S.C. APPENDIX 'M' beginning at page 10 item IV.

Now back to Exhibit No. 4. Please take a ruler and measure from the left hand edge of the photograph on South Avenue in a southerly direction 6-7/8". That will be the intersection of South Avenue and Mathews Road. You can see (from this Aerial photo) the following — on the S-E Corner a Shopping Plaza; on the N-E corner a Gas Station; on the S-W corner

BLEED THROUGH

another smaller shopping center; on the N-W corner another shopping center. The said intersection of South Avenue and Mathews Road is located (by odometer reading) approximately 8/10 of one mile south of petitioners land. Three seperate parcels of land were sold at the N-W corner during the same period the sales entered in evidence by Mr. Kroeck occurred and which Mr. Kroeck admitted were not comparable to petitioners land (R pg. 115 lines 19 and 20). The selling price PER ACRE of these three parcels of land at the N-W corner or South Avenue and Mathews Road were approximately as follows — $31,830.00; $36,000.00; $45,714.00. One parcel located approximately 8/10 of one mile north of petitioners land (by odometer reading) was sold for approximately $80,640.00 per Acre. The selling price for two other parcels located approximately 1.8 miles south of petitioners land (by odometer reading) were — approximately $32,608.00 per acre and $41,095.00 per Acre. The parcels which Mr. Kroeck entered in evidence occurred during about the same period in which the foregoing sales occurred. Mr. Kroeck entered in evidence two parcels of land located on Walker-Mill Road (R pg. 119 lines 1 and 12 and 13). Mr. Kroeck testified (R pg. 119 line 1) those parcels are located approximately 1-1/4 mile from petitioners land. Petitioner checked them by odometer and found them to be located approximately 3 miles South of petitioners land. Mr. Kroeck also entered in evidence (R pg. 117 lines 9 and 10) another parcel on Mathews Road. That parcel is located approximately 1.8 mile from petitioners land by odometer reading. Petitioner (who has extensive experience in million dollar land develop-project) etc. (see final arguments) visited the said parcel on the evening of the same day it was entered in evidence by Mr. Kroeck. Petitioner observed that there was no comparable relationship whatsoever between that parcel and the petitioners parcel before construction of the Highway. See (R pg. 151 beginning at line 6 thru page 158). Especially see (R pg. 152 lines 10 thru 12, petitioner was asked to observe the photo pg. 151 lines 19 and 20. Petitioner observed the name "Miracle Company"

on it in print - See Cert. Ltr. dated 4/17/71 AA R to the State. Mr. Miracle was the other appraiser for the State. He did not testify at the trial; (R pg. 152 line 4 & 5; pg. 153 line 5 thru page 158). Your attentions are directed to the streets running in a westerly direction off of South Avenue approximately 4-7/8" from the left edge of the photo on South Avenue. These streets are named Afton, Meyer, and Cook. They are located within approximately 6/10 of one mile of petitioners land. The said streets are zoned R2 (same as petitioners land). The said lots are only 110 feet deep. The Mahoning County Planning Commission requires lots to be a minimum of 150 feet deep. All the lots shown on Exhibit No. 2 meet the said Planning Commission requirements. Numerous lots were sold on those streets for between $100 and $125 per front feet. Petitioner arrived at a NET acre value by using the selling price of these lots as a basis. That is petitioner deducted the cost to develop the land from the Gross sales price. He determined the net selling price per acre of that land was approximately $16,000.00 per acre. $16,000 per acre x 6 acres destroyed = damages at REMAINING LANDS, among others . . . . . $96,000. The only purpose of these calculations are as a cross check to further prove the $417 award by the jury for destruction of petitioners REMAINING LANDS is ridiculous even if Amendments XIV and IX of our United States did not exist. Petitioner will analyze the foregoing sales and other factors further in this petition on page 27 item 20 for the purpose of assisting this court to arrive at reasonable compensation to this petitioner; since Just Compensation as demanded under Amendment V is no longer realist (as stated by this petitioner in this petition beginning at page 3 item "I-2D"). The ultimate purpose of said analysis will be for the purpose of accomplishing the end results explained at said page 3.

E. **PROPERTY OWNERS' EXHIBIT** No. 5 - (R pg. 88 beginning at line 20 thru page 91) - is the second of the two "AERIAL PHOTOGRAPHS" entered in evidence. It has already been explained in the foregoing item "D"

BLEED THROUGH

page 19. It is a more northerly view of the site and surrounding areas as related to Exhibit No. 4.

16. THE STATUES INVOLVED on which Jurisdiction of this Court is invoked are, but not limited to, those which follow:

A. 28 U.S.C. 1254(1) and/or
B. 28 U.S.C. 1254(3) and/or
C. 28 U.S.C. 1257(1) and/or
D. 28 U.S.C. 1257(2) and/or
E. 28 U.S.C. 1257(3) and/or
F. 28 U.S.C. 2403 maybe applicable
G. 28 U.S.C. 1252 and/or
H. 28 U.S.C. 1051 and/or

I. This Petitioner questions the Constitutionality of Act(s) of Congress in this specific action(s) and/or in general as related to this specific matter(s); and/or others.

17. THE CONSTITUTIONAL PROVISIONS on which Jurisdiction of this Court is invoked are, among others, those which follow — Amendments of our United States Constitution V, VI, VIII, IX, XIV; Petitioner was discriminated against, and/or other(s). (see item 19 that follows for citations).

18. OTHER REASON (S) INVOLVED FOR WHICH JURISDICTION OF THIS COURT IS INVOKED ARE, AMONG OTHERS, THOSE WHICH FOLLOW:

A. especially because, this petitioner believes, those described in this petition at "I-pg. 3 item 2D" **CREATED THE LAWSUIT** and **CREATED** conditions that made it necessary for this petitioner to go thru three State Courts and finally to this Court before he could get reasonable justice and reasonable compensation (instead of **JUST COMPENSATION** and **TOTAL JUSTICE** as is **DEMANDED** under our

United States Constitution and/or other parts of the laws). Whereas had they heeded petitioners numerous telephone calls (many by Long Distance), the numerous certified letters beginning with the Certified Letter No. 580814 dated 4/17/71 AAR to the State of Ohio, at least made an ATTEMPT to honor their agreements beginning in or about 1955 (as they are related to our U.S. Constitution) and/or negotiated in GOOD FAITH – then in that event this petitioner could have accomplished satisfactory end results in early 1971 at a great total savings both to the taxpayers of the State of Ohio and/or our Federal Government as well as to this petitioner.

B. Rules of the United States Supreme Court No. 19 and/or 20 and 21 and/or 50;

C. Because those described in this petition "I-pg. 3 item 2D" have showed complete disregard for this petitioners Constitutional Rights. In fact they have renounced him full citizenship in America without just cause and/or without due process for renouncing his full citizenship;

D. This petitioner questions the Constitutionality of Act(s) of Congress in this specific action(s) and/or in general as they are related to this matter(s).

E. Those described and/or explained in attached U.S.S.C. APPENDIXES 'A' and 'M'. They are made a part of this petition(s) as if they were totally re-written herein.

19. SUPPORTING CITATIONS, EXPERT AUTHORITY (IES) AND NON-ADHERENCE (S) TO FEDERAL LAW INVOLVED – FOR WHICH THE JURISDICTION OF THIS COURT IS INVOKED ARE, AMONG OTHERS, THOSE WHICH FOLLOW – *(see attached U.S.S.C. Appendix 'M' pg. 10-IV for "JUST COMPENSATION–CREATED" by and for reasons explained therein):*

A. STATE OF CALIFORNIA v ANTHONY PASQUALL FARETTA – U.S. Supreme Court Ruling June 30, 1975.

BLEED THROUGH

Opinion delivered by Mr. Justice Stewart. For details see the following:

a. "Questions Presented" — page 32, Item 22 of this petition-"UNCONSTITUTIONAL ACT(S) OF CONGRESS";

b. attached U.S.S.C. APPENDIX 'A' — INDEX thereof pg. iii item "N":

c. The INDEX of attached U.S.S.C. APPENDIX 'M' — pg. ii thereof. Appendixes referred to at bottom of that pg. ii — "X, A-1 and A-12",

d. attached U.S.S.C. APPENDIX 'M' pg. 9 beginning at item "III-7" and page 14 beginning at item VI — "Questions Presented",

e. attached (2) two page Certified Letter No. 580815 dated 4/17/71 — AAR to State of Ohio. A copy is attached to each of the (60) Sixty copies filed with this petition. It is marked U.S.S.C. APPENDIX A-2;

B. THE SHERMAN ANTITRUST ACT(S) AS AMENDED See attached U.S.S.C. APPENDIX 'A' beginning at page 1 for details in this regard;

C. THE JURY WAS NOT COMPRISED OF PEERS OF THIS PETITIONER (see closing argument by Mr. Harshman) and/or of MR. HAROLD STROHECKER — REGISTERED ENGINEER AND REGISTERED SURVEYOR EXPERIENCED IN SUB-DIVISION WORK. (R pg. 34 thru 54; pg. 107 lines 6 thru 10, This Petition pg. 17 item 1 — where it starts — "Secondly etc." See roster of jurors who served. The Jury was comprised of housewife(ives); waitress(es); barmaid(s), semi-skilled mill employee(s). There wasn't even one professional person and/or one with knowledge of sub-division work on the jury. Therefore "JUST COMPENSATION", which is DEMANDED according to Amendment V of our United States Constitution, was ILLEGALLY left to

chance and/or guess and conjecture. It is obvious, from the jury verdict) especially regarding petitioners' REMAINING LANDS that the jury did not comprehend what was going on at the trial. That is the jury left "JUST COMPENSATION" to chance and/or guess and conjecture. The State Courts know this is NOT LEGAL. Furthermore this, among numerous other things, was specifically pointed out to The judges of the Seventh District Court of Appeals in "BRIEF OF DEFENDANT-APPELLANT" pg. 8 par. 3. This is notwithstanding the fact that the jury nor anyone (other than this petitioner) can place a value on this petitioners REMAINING LAND because of the specific circumstances in this action(s) as explained beginning at page 6v thru 7 of this petition. The State Courts and the Office of the Attorney General of the State of Ohio know this. Furthermore it was directed to their attentions on not less than on one other occasion in writing (and in fact on numerous occasions). See (20) twenty page Certified Letter dated 11/14/73 — This Letter is referred to as Appendix 'O' in the INDEX pg. ii of attached U.S.S.C. APPENDIX 'M'. Also see attached U.S.S.C. APPENDIX 'A' pg. i item "A" thereof. Hence petitioner was at the very least, deprived of his Constitutional Rights negligently (and in fact maliciously) under Amendment VIII, as well as under Amendments V, VI, XIV and IX. That is mental anxiety and duress were inflicted upon him. For further support of this item "C" see the following:

a. (R — pg. 115 lines 19 & 20, pg. 130 line 17; pgs. 140, 147 and 148; pg. 157 lines 11 thru 15; pg. 158 lines 3 & 4; pg. 141 lines 3 thru 10). The foregoing was all pointed out in attached U.S.S.C. APPENDIX 'A' beginning at page 31 thru page 35,

b. (R pg. 12 beginning at line 20; beginning at pages 34; 57, 96, 77 and 109),

c. page 3 of this petition beginning at item "E" regarding "HANDLING FEDERAL TORT CLAIMS" by Lester S. Jayson as it is related to this item "C" and/or to the action(s)

BLEED THROUGH

described in this petition,

d. attached U.S.S.C. APPENDIX 'M' — beginning at page 10 item IV, page 5 Alternate No. 1 and page 7 Alternate No. 3.

D. Cooper v Aaron 358 U.S. at pg. one. For details see U.S.S.C. Appendix 'A' pg. i item 'B'.

20. THIS "SUGGESTED GUIDE AND ANALYSIS TO DETERMINE REASONABLE COMPENSATION", TO THIS PETITIONER, IS RESPECTFULLY SUBMITTED TO THIS COURT, SINCE THOSE DESCRIBED AT PAGE 3D CREATED THIS CONDITION (WORSE THAN THE WATERGATE MATTER) THAT MAKE "JUST COMPENSATION" AS DEMANDED UNDER AMENDMENT V OF OUR U.S. CONSTITUTION NO LONGER REALISTIC AS AND FOR REASONS EXPLAINED IN THIS PETITION BEGINNING AT PAGE 3D and continued IN THIS "JURISDICTIONAL STATEMENT" AT PART II BEGINNING AT PAGE 10. THEREFORE THIS COURT IS RESPECTFULLY REQUESTED TO CONSIDER THE FOLLOWING — *(see attached U.S.S.C. Appendix 'M' pg. 10 — IV for "JUST COMPENSATION" to this petitioner "CREATED" by those described therein for reasons explained therein):*

A. THE FOLLOWING ARE THE SPECIFIC PARCELS OF LAND DESCRIBED IN THIS PETITION ON PAGE 15 THAT WERE SOLD FOR BETWEEN APPROXIMATELY $31,832.00 and $80,640.00 PER ACRE. THE PARCELS PRECEDED BY ** CAN BE SEEN IN THE "AERIAL PHOTOGRAPHS" — "PROPERTY OWNERS' EXHIBITS NO. 4 AND/OR 5" AS EXPLAINED ON SAID PAGE 15.

a. Herbert Dalzell to The Mahoning National Bank — located by odometer reading approximately 8/10 of one mile north of petitioners land. Selling price $135,000.00 for 1.674 acres. Selling Price per acre $80,640.00

**b. Phillips Petroleum Co. to Attorney Albert Ortenzio — located by odometer reading approximately 8/10 of one mile south of Petitioners land. Selling price per acre approximately $36,000.00

**c. Phillips Petroleum Co. to Frank A. & Anthony Rulli — by odometer reading approximately 8/10 of one mile south of Petitioners land. Selling price per acre approximately $31,830.00

**d. Phillips Petroleum Co. to Carl Santucci & Bernardine Rossi — by odometer reading located approximately 8/10 of one mile south of petitioners land. Selling price per acre approximately.....$45,714.00

**e. Afton, Moyer and Cook Avenues — by odometer reading located approximately 6/10 of one mile south of Petitioners land. Too numerous to name. Will furnish list on request. See page 22 of this petition for details. Selling price per acre approximately $16,000.00

f. Gwen Morgan to Mayo & Orvets (A Real Estate Agency) — by odometer reading located approximately 1.8 miles south of petitioners land. Sell price per acre approximately.....$32,608.00

g. Margaret Leyshon to Mayo & Orvets (Realtors) — by odometer reading located approximately 1.8 miles south of petitioners land. Selling price per acre approx. .$41,095.00

**h. Former Common Pleas Judge Sidney Rigelhaupt's parcel of land is located approximately 300 feet north of this petitioners land (R pg. 106 lines 15 & 16; pg. 35 thru 50). Attached U.S.S.C. APPENDIX "A" beginning at page 2 prove, among other things, DISCRIMINATION AGAINST THIS PETITIONER by those described on page 3 item "D" of this petition. (R pg. 106 lines 15 & 16 and pgs. 35 thru 50) combined with the the Certified letters Appendix "O" and

**signifies these parcels can be seen in the "AERIAL PHOTOGRAPHS" — "Property Owners' Exhibits 4 and/or 5.

BLEED THROUGH

the others prove WILLFUL, WANTON AND MALICIOUS OBSTRUCTION OF JUSTICE AND/OR INJURY TO THIS PETITIONER. Judge Rigelhaupt received from and/or because of construction of the highway (plus more important considerations explained in attached U.S.S.C. APPENDIX 'A' beginning at page 14 item 'I-7') per acre .$17,000.00

**i. Reverend C. Bohachevsky owned land approximately 300 feet south of Petitioners land. Approximately two acres was taken because of construction of the highway. Mr. A.E. Reinman (the same appraiser who appraised this petitioner's land) — (R pgs. 6 thru 33) appraised the said parcel for Mr. J. Phillip Richley, Director of Transportation for the State of Ohio, personally, at $8,000.00 per acre (R pg. 15 beginning at line 11 thru page 16). For further details see attached U.S.S.C. APPENDIX "A" beginning at page 2. This combined with the certified letters described above prove further that those described on page 3 item "D" of this petition DISCRIMINATED AGAINST THIS PETITIONER AND/OR INJURED THIS PETITIONER WILLFULLY, WANTONLY AND MALICIOUSLY. Appraisal price of the Bohachevsky parcel by Mr. Reinman per acre $8,000.00

B. IT IS UNCONTROVERTED AND INCONTROVERTIBLE "ENGINEERING FACT AND NOT OPINION" that can still be proved or disproved that this petitioner will have to pay out approximately $205,000.00 to fill the (6) six acres of his REMAINING LANDS so he can drain the sanitary effluence therefrom into the existing sanitary mains (R pg. 36 thru 56,47 line 1, Amendments XIV & IX; attached U.S.S.C. APPENDIX "A" pg. 14 item I-7; attached U.S.S.C. APPENDIX 'M' pg. 10-IV) destroyed WILLFULLY, WANTONLY AND MALICIOUSLY because of construction of the highway. $205,000.00

**signifies these parcels can be seen in the "AERIAL PHOTOGRAPHS" — "Property Owners' Exhibits 4 and/or 5.

C. PETITIONER WILL HAVE TO PAY OUT TO PURCHASE AND INSTALL THE 60" CULVERT TO RECEIVE THE FILL DIRT described in "B" above so petitioner can have the OPPORTUNITY to use his REMAINING LANDS AS DEMANDED BY AMENDMENTS OF OUR UNITED STATES CONSTITUTION XIV AND IX. This cost to this petitioner is CAUSED because of construction of the highway and/or those described on page 3 item "D" of this petition. For details see "PROPERTY OWNERS' EXHIBITS 1, 2 and 3. Cost to petitioner to purchase and place the 60" culvert that was not necessary before construction of the highway (R 34 thru 50; 107 lines 6 thru 10; 106 lines 15&16; 6 thru 32, 57 thru 94; 77 thru 80; 96 thru 104; 109 thru 163) $30,000.00

D. SEE PLAN U.S.S.C. APPENDIX C-1 WITH THE OVERPASS AND COMMERCIAL FRONT AREA ATTACHED TO "PROPERTY OWNERS EXHIBIT NO. 2" AND THIS PETITIONERS NOTES THEREON. Those described in attached U.S.S.C. APPENDIX 'M' pg. 10-IV WILLFULLY, WANTONLY AND MALICIOUSLY placed limitations on petitioners' OPPORTUNITY to use his REMAINING LANDS without limitations as DEMANDED under Amendments XIV and IX of our United States Constitution. Those described in "M" pg. 10-IV, therefore, continue to WILLFULLY, WANTONLY AND MALICIOUSLY prosper at the total loss and expense to this petitioner (R - same as 'C' above; Certified Letters Appendixes "O thru V" inclusive; this petition pg. 6v; attached U.S.S.C. Appendix 'M' - pg. 10-IV, pg. 5 Alternate No. 1, pg. 7 Alternate No. 3). It will cost this petitioner to build the overpass shown on said Appendix C-1, so he can have the "OPPORTUNITY to use his REMAINING LANDS" without limitations per Amendments XIV and IX; and the amount by which those described in this petition pg. 3 item D will prosper at the total loss and expense to this petitioner is approximately $500,000.00

BLEED THROUGH

E. THIS PETITIONER WAS DISCRIMINATED AGAINST AT THE 2.026 ACRE TAKE AREA PROPER; since (see pg. 29 of this petition items "Ah and i") Judge Rigelhaupt and Reverend Bohachevsky were paid by those described on page 3 item "D" of this petition approximately $8,000 per acre x 2 acres taken from Petitioner by change of deed = $16,000 − $9,500 award to petitioner by jury = approximate minimum additional compensation petitioner should receive for this item to correct this DISCRIMINATION. $6,500.00

F. The State of Ohio and/or our Federal Government saved (because they didn't pay interest on Bonds which would have been required to finance the cost of the items described in this petition items "20 B,C,D and E") because they ARBITRARILY REFUSED TO NEGOTIATE IN GOOD FAITH for the approximate period of April 1971 thru April 1976. Petitioner could have, at the very least, invested that money (reasonable Compensation) in U.S. SAVINGS BONDS at 6% interest. Loss to Petitioner and gain to those described in this Petition Page 3 item "D" because of that loss to this Petitioner approximately . . . . . .To be determined

G. Increase in cost to petitioner for approximate period April 1971 to April 1976 to build the Apartments at Petitioners REMAINING LANDS (See U.S. DEPARTMENTS OF COMMERCE RECORDS) − petitioner explained and forwarned the State of Ohio and/or our Federal Government (that he would hold them responsible for this increase, because it is legally due and owing to him, if they forced him to litigate to recover that obviously justly due and owing debt) in the twenty page Certified Letter dated November 14, 1973. The said letter is marked Appendix "O" . . . . . .To be determined

H. Same as "F and G" above for the approximate period 1955 thru April 1971. For details see attached U.S.S.C.

APPENDIX "A" beginning at page 23 item II thru pg. 35 thereof .....To be determined

21. SINCE THOSE DESCRIBED IN THIS PETITION PAGE 3 ITEM "D" HAVE "CREATED" THIS RIDICULOUS SITUATION AS THEREIN DESCRIBED: FOR THE PURPOSE OF ACHIEVING REASONABLE JUSTICE, WITHOUT FURTHER CREATED INJUSTICES – (SINCE TOTAL JUSTICE AND JUST COMPENSATION ARE NO LONGER REALISTIC) – THIS PETITIONER RESPECTFULLY DIRECTS THE ATTENTION OF THIS COURT TO PAGE 32 ITEM 22 IN THIS PETITION – "UNCONSTITUTIONAL ACT(S) OF CONGRESS". PETITIONER THEN RESPECTFULLY RE-DIRECTS THE ATTENTION OF THIS COURT, IN THE ORDER THAT FOLLOW, TO ATTACHED U.S.S.C. APPENDIX "M" – PAGE 10 ITEM IV: PAGE 5 ALTERNATE NO. 1; PAGE 7 ALTERNATE NO. 3.

22. THIS PETITIONER DECLARES THE ACT(S) (AND /OR FAILURES TO ACT) OF CONGRESS UNCONSTITUTIONAL UNDER, BUT NOT LIMITED TO, TITLE 28 U.S.C. 1252 (IN GENERAL AND/OR AS APPLIED IN THE SPECIFIC ACTION(S) DESCRIBED IN THE CAPTION). PETITIONER BASES THESE DECLARATION(S) ON, BUT NOT LIMITED TO, THE FOLLOWING – (see "Final Conclusion – pg. 42 of this petition item 24):

PETITIONER DECLARES THAT THE ACT(S) OF CONGRESS THAT PROVIDED for the funds allotted to the State of Ohio for construction of the interstate highway described in the caption and the provisions for disbursement thereof was and continues to be UNCONSTITUTIONAL (In general and/or) as applied in these specific action(s) because, among other reasons, although Congress (probably) is permitted (under the law(s) of Eminent Domain to provide so the State of Ohio and/or our Federal Government

BLEED THROUGH

can take the 2.026 acres of this petitioner approximately (12) Twelve total acres of land for construction of the interstate highway in question; Congress is also obligated to this petitioner to provide (at the very least whenever realistically possible) so petitioner will not be deprived of his Constitutional rights (especially in his REMAINING LANDS) under any and/or all Amendments of our United States Constitution. Congress could have so provided by properly controlling the disbursement of funds allotted to the State of Ohio for this appropriation project. But Congress did not so provide. As a result this Petitioner was deprived of his Constitutional Rights (to have the "OPPORTUNITY" to use his REMAINING LANDS) under not less than one of the following Amendments of our United States Constitution that follow— V, VI, VIII, IX, XIV and others. Further — because of "UNCONSTITUTIONAL ACTS (AND/OR FAILURES TO ACT) BY CONGRESS"; those described in this petition page 3 item 'D' performed in conflict with the context of taking of Property in the Constitutional sense, "ACCORDING TO OUR UNITED STATES SUPREME COURT", as explained in this petition beginning at the top of page 4 item ii. For further details see the following:

1. attached U.S.S.C. APPENDIX 'A' beginning at page 23 item II,
2. this petition beginning at page 6 — 'v';
3. the entire contents of this petition including "PROPERTY OWNERS EXHIBITS 1, 2, 3, 4, 5," and the attachments hereto, (R pg. 107 lines 1 thru 10); (see this petition pg. 13 for other references to the said Exhibits 1,2,3,4,5).

THE FOLLOWING IS A SUMMARY OF AND/OR ARE SOME ADDITIONAL SPECIFIC "UNCONSTITUTIONAL ACTS (AND/OR FAILURES TO ACT) OF CONGRESS" WHICH HAVE INJURED THIS PETITIONER; WHICH WERE "CREATED" BECAUSE CONGRESS DID NOT ADEQUATELY PROVIDE SO THEY COULD NOT HAVE OCCURRED AND WHICH RESULTED IN INJURY TO THIS PETITIONER:

A. Congress was and/or continues to be obligated in these action(s) to provide so petitioner's land would be appraised and petitioner would be paid the same dollars per acre at the 2.026 acres "TAKE AREA PROPER" (as well as at his REMAINING LANDS) as were former Common Pleas Judge Sidney Rigelhaupt and Reverend Bohachevsky who own(ed) land on each side of petitioners land — within approximately 300 feet of petitioners land (R page 69 lines 1 thru 4) (the industrial property to the North of petitioner's land, at least in part, is and/or was owned by former Common Please Judge Sidney Rigelhaupt — see "AERIAL PHOTOGRAPHS" "PROPERTY OWNERS EXHIBITS NO. 4 and 5 (R pg. 107 lines 1 thru 10, pg. 88 lines 20 thru 23; pg. 89 lines 1 thru 9) (see beginning at page 30 items 'D and E' of this petition for details). Otherwise, of course, those described on page 3 item 'D' of this petition will be discriminating against this petitioner. Congress have not provided so petitioner would be paid the same dollars per acre as Judge Rigelhaupt and/or Rev. C. Bohachevsky; therefore have and are continuing to permit the "CRIME" of discrimination to occur against this petitioner.

Congress could have (and still can) provide(d) so petitioner would (and/or can) still receive the same dollars per acre as former Common Pleas Judge Sidney Rigelhaupt and Rev. C. Bohachevsky by properly controlling the disbursements of funds. Congress acted (at the very least) negligently and/or acted and/or failed to act adequately. As a result this petitioner was and continues to suffer injury. For details and actual loss to petitioner because of this 'CRIME(S)' of discrimination see this petition page 31 — item 20E; attached U.S.S.C. APPENDIX 'A' beginning at page 2B;

B. Congress was and/or continues to be obligated to this petitioner, in these action(s), to provide so that there was and/or is no violation of the Sherman Antitrust Act(s) as amended that would cause injury to this petitioner. Further that no collusion occurred and that the State of Ohio and/or

BLEED THROUGH

other(s) violated, at least one (and in fact all) of the foregoing in this item "B". Congress could have so provided by properly controlling the allotment of and/or disbursement of the funds. Congress did not so provide. As a result this petitioner was not offered (during negotiations) and/or has not received "JUST COMPENSATION" as is demanded under Amendment V of our United States Constitution. As a result Congress has assisted in "CREATING" this condition that has "CAUSED" Just Compensation to become astronomically inflated, ridiculous and in fact as described in attached U.S.S.C. APPENDIX 'M' page 10 beginning at item 'IV',

C. Congress was and/or still is obligated, in these action(s), to provide so this petitioner can have the OPPORTUNITY to use his REMAINING LANDS to earn a livelihood and/or engage in free enterprise without limitations as is demanded under Amendments XIV and IX of our United States Constitution (especially because of the Certified Letters dated 6/9/72, 11/14/73, 11/16/73 and the others shown in the INDEX OF attached U.S.S.C. APPENDIX 'M' pg. ii Appendixes "Q, P, R" respectively). Congress did not provide so this Petitioner could use his REMAINING LANDS to earn a livelihood and/or engage in free enterprise without limitations as demanded under Amendments of our United States Constitution XIV and IX even though petitioner forwarded them and others the above described letters, as well as others. As a result this Petitioner was injured either negligently and/or maliciously. Petitioner showed (during the trial) by uncontroverted and incontrovertible ENGINEERING FACT (and not opinion) that can still be proved or disproved (see Property Owners Exhibits No. 1, 2, 3, 4, 5 (R pg. 107 lines 1 thru 10); (see this petition page 13 for other references to the said Exhibits 1, 2, 3, 4, 5) that petitioner will be required to pay out in dollars so he can have the OPPORTUNTIY to use his REMAINING LANDS as demanded under Amendments XIV and IX of our United States Constitution approximately as follows (for detailed

explanation of items 'a thru f' that follow, see this petition beginning at page 27 item 20):

a. item 'B' "Fill Dirt" $205,000.00

b. plus Item 'C' – 60" culvert in place 30,000.00

c. plus item 'D' overpass as shown on U.S.S.C. APPENDIX "C-1" 500,000.00

d. plus items 'G and H' increase in cost to build the apartments at petitioners REMAINING LANDS April 1971 thru April 1976. . . . . to be determined

e. plus item 'F' interest petitioner could have collected from April 1971 thru April 1976 . . . to be determined

f. plus mental anguish, duress and cruel and unusual punishment . . . . . to be determined

NOTE – THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT SAVED THE FOREGOING AMOUNTS AT THE LOSS AND EXPENSE TO THIS PETITIONER SINCE THEY WERE NOT REQUIRED TO ISSUE BONDS TO RAISE THE MONEY TO PERFORM THE ABOVE DESCRIBED WORK OR TO PAY THIS PETITIONER THE SAID AMOUNTS. THEREFORE THE PEOPLE OF THE STATE OF OHIO AND/OR OUR FEDERAL GOVERNMENT PROSPERED AND/OR WERE ILLEGALLY ENRICHED BY THOSE AMOUNTS AT THE TOTAL LOSS AND EXPENSE TO THIS PETITIONER. PETITIONER EXPLAINED THIS ON NOT LESS THAN TWO SEPERATE OCCASIONS. FOR THOSE TWO OCCASIONS SEE ATTACHED U.S.S.C. APPENDIX 'M' PAGE 10 BEGINNING AT ITEM 'IV' AND ATTACHED U.S.S.C. APPENDIX 'A' BEGINNING AT PAGE '53-G' AND PAGE 2 ITEM "C".

D. Congress was and/or still is obligated, in these action(s), to provide so that the people of the State of Ohio and/or our Federal Government and/or especially private individuals (such as former Common Pleas Judge Sidney Rigelhaupt) do

BLEED THROUGH

not ILLEGALLY prosper and/or are not enriched at the loss and expense to this petitioner. Congress has not so provided and those described in this item "D" have in fact prospered and/or been enriched at the total loss and expense to this petitioner as stated in this summary beginning at page 34 items A,B,C, and/or in attached U.S.S.C. APPENDIX 'A' beginning at page 2 item "C" and/or in attached U.S.S.C. APPENDIX 'M' beginning at page 10 item 'IV'.

E. The following certified letter from this petitioner to Congressman Charles Carney (and the enclosures therewith) will further support that the UNCONSTITUTIONAL ACTS (AND/OR FAILURES TO ACT) OF CONGRESS described in this petition beginning at page 32 item 22 "CREATED" either negligent and/or malicious injury to this petitioner (see INDEX of attached U.S.S.C. APPENDIX 'M' page ii Appendixes A-12, A-11 and A-13, which are the method of identification of said letters).

F. The following comparative trial testimony and evidence of record further prove beyond doubt that the UNCONSTITUTIONAL ACTS (AND/OR FAILURES TO ACT) OF CONGRESS as described in this petition beginning at page 32 item 22 assisted in "CREATING", at the very least, negligent injury to this petitioner. (Regarding the entire foregoing in this item 22 — without question the jury did not comprehend the following uncontroverted and incontrovertible "TESTIMONY" and "PROPERTY OWNER'S EXHIBITS NO. 1, 2 and 3" of ENGINEERING FACT (explained beginning at page 13 of this petition). Again they are not opinion or theory they are testimony and exhibits of ENGINEERING FACT that can still be proved or disproved as of this date. Regarding said Exhibits No. 1, 2 and 3 and testimony by petitioners' witnesses see (R pg. 107 lines 6 thru 10; pg. 36 beginning at line 8 thru pg. 39; pg. 72 lines 6 thru 16; pg. 44 beginning at line 9 thru pg. 56; pg. 97 beginning at line 15 thru pg. 107; pg. 27 beginning at line 16).

The foregoing testimony of record proves beyond doubt "JUST COMPENSATION", which is demanded under Amendment V of our United States Constitution, was ILLEGALLY left to chance and guess and conjecture. Compare the foregoing by petitioners' witnesses with the following trial testimony by the ONLY appraiser who testified for the State of Ohio and/or our Federal Government as well as the manner in which the State Courts and counsel for the State of Ohio carried forth in relationship to the foregoing (in this item 22), and their obligations to this petitioner and/or his REMAINING LANDS in relationship to Amendments of our United States Constitution V, XIV, VI, IX, VIII and the context of "TAKING OF PROPERTY" in a Constitutional sense according to our "UNITED STATES SUPREME COURT" as stated in this petition beginning at the top of page 4 item ii (R pg. 115 lines 19 and 20, pg. 130 line 17; pgs. 140 beginning at line 7 thru page 147, pg. 147 beginning at line 11 thru pg. 149, pg. 151 beginning at line 6 thru page 158 — Mayo grantee — for details on this see this petition page 20 — the paragraph following item "e" where it begins — "Now back to Exhibit No. 4." etc. and continue to where it says — "E". PROPERTY OWNERS' EXHIBIT NO. 5"; (see R. pg. 156 beginning at line 18 — "Will sell REMAINING LANDS to recover losses" thru page 158); also see attached U.S.S.C. APPENDIX 'A' beginning at page 31 thru 35. Furthermore kindly analyze attached U.S.S.C. APPENDIX 'A' beginning at page 12 as the contents thereof is related to non-adherence to the Sherman Antitrust Acts as Amended as related to this petitioners Constitutional Rights under Amendments V, IX, XIV, VIII and the contents of this item 22.

23. QUESTIONS PRESENTED

A. FOR "QUESTIONS PRESENTED 1 THRU 20 INCLUSIVE — your attentions are respectfully directed to attached U.S.S.C. APPENDIX 'M' beginning at page 14 item "VI" thereof;

BLEED THROUGH

B. QUESTION PRESENTED NO. 21 — How much worse can they get?? Petitioner asked this question at page 9 of this petition last line thereof. This question was asked relative to the content of item 4 beginning at page 8 of this petition thru page 10. Your attentions are respectfully directed to the said pages;

C. QUESTIONS PRESENTED NO. 22 — The ONLY objectives of the trial of March 1974 were to determine:

a. "JUST COMPENSATION" to this petitioner because it is demanded under Amendment V of our United States Constitution,

b. provide so this petitioner would have the "OPPORTUNITY" to use his REMAINING LANDS to earn a livelihood and/or engage in free enterprise without limitations (especially if it was realistically possible). Therefore every EXCUSE, other than the foregoing, the State Courts used for denying this petitioner, at least, a new trial were insignificant, immaterial, irrelevant and unfounded. Your attentions are respectfully directed to page 10 of this petition beginning at Part 'II' for some unfounded, immaterial and insignificant 'EXCUSES' the State Courts used for denying petitioner a new trial.

This petitioner has shown in the records that include "PROPERTY OWNERS' EXHIBITS 1, 2, 3, 4, 5 (see this petition at page 13 beginning at item 15) that it is UNCONTROVERTED and INCONTROVERTIBLE ENGINEERING FACT (NOT OPINION OR THEORY) that this petitioner will be forced to pay out as itemized in this petition page 29 beginning at item '20B thru H' inclusive if he is to have the OPPORTUNITY (see this petition page 6 item 'v' for 'OPPORTUNITY' explained) to use his REMAINING LANDS to earn a livelihood and/or engage in free enterprise without limitations as is demanded under Amendments XIV and IX of our United States Constitution. Please be respectfully reminded Amendments XIV and IX which are THE LAWS

OF THE LAND (that favor and protect this petitioners' rights) are as much a part of (THE LAWS) our United States Constitution as are the portions of our United States Constitution that give Congress and/or our Federal Government and/or the State of Ohio the right to take Petitioner's 2.026 Acres of land under the laws of Eminent Domain. When the Attorney General of Ohio, the Judges of the State Courts and the others involved took their "OATHS OF OFFICE" they swore they would uphold the "ENTIRE" CONSTITUTION OF THE U.S.A. The oaths they took (and swore to) did not say that the Attorney General of Ohio and/or the Judges of the State Courts of Ohio and/or the others involved were to uphold only the portions of THE LAWS AND/OR CONSTITUION necessary to accomplish the end results they personally wanted to accomplish. Therefore they swore (under oath) they would EVEN uphold Amendments XIV and IX even if they didn't like to personally and even if those Amendments XIV and IX favor(ed) this petitioner; as they do regarding especially Petitioner's REMAINING LANDS. Since this petitioner has shown (as previously explained in this "QUESTION PRESENTED NO. 22") the manner in which and degree to which this petitioner has been and continues to be, INCONTROVERTIBLY, injured because those described on page 3 item 'D' of this petition ARBITRARILY REFUSE(D) to adhere to Amendments XIV and IX (THE LAW OF THE LAND) – especially as those LAWS OF THE LAND are related to this petitioners REMAINING LANDS. Regarding this paragraph – petitioner asks the following Question No. 22:

Question Presented No. 22 – How can this petitioner have the OPPORTUNITY to use his REMAINING LANDS to earn a livelihood and/or engage in free enterprise without limitations (at their "Highest and Best Use(s)" agreed upon by all the appraisers who testified at the trial which is conservatively shown in PROPERTY OWNERS EXHIBITS NO. 1, 2, 3 (of INCONTROVERTIBLE ENGINEERING FACT – NOT OPINION OR THEORY) prepared by Harold Strohecker,

BLEED THROUGH

Registered Engineer and Registered Surveyor experienced in sub-division work as is demanded under Amendments XIV and IX (THE LAWS OF THE LAND!) — other than by paying out the dollars itemized by this petitioner at page 29 of this petition beginning at item '20B thru H' inclusive?? and/or another way of saying it —

Question Presented No. 23 — What law gives ANYONE the right to deprive this petitioner the OPPORTUNITY to use his REMAINING LANDS at their "Highest and Best Use" without limitations as herein explained (as a six-plex apartment complex)?? Especially under the circumstances herein explained?? and/or

Questions Presented No. 24 — What law gives anyone (other than this petitioner) the right to put a value on petitioners OPPORTUNITY(IES) in his REMAINING LANDS?? (see this petition page 6 item 'v' for OPPORTUNITY (IES) explained.

Question Presented No. 25 — How can the award by the jury of $417 for each acre of petitioners REMAINING LANDS destroyed because of the construction of the highway (or $114 for the OPPORTUNITY to have each six-plex lot destroyed or $2500 for the total destruction of (6) acres of petitioners REMAINING LANDS) (R page 45 beginning at line 11 thru page 56; page 18 beginning at line 14 thru page 45 thru page 108; attached U.S.S.C. APPENDIX 'A' pages 31 thru 35 for reference to other pertinent portions of the record) be JUST COMPENSATION as is demanded under Amendment V of our United States Constitution. Bearing in mind the said $417 per acre (or $114 for each six-plex lot destroyed) doesn't even take into consideration that this petitioner will be ILLEGALLY in an UNCONSTITUTIONAL manner deprived the OPPORTUNITY to use his REMAINING LANDS without limitations as is demanded under Amendments XIV and IX of our United States Constitution. Further no one (other than this petitioner) is permitted,

according to our U.S. Constitution, to place a value on petitioners personal private intangible property of Constitutional Rights in his REMAINING LANDS (For OPPORTUNITY explained see page 6 of this petition item 'v'). For further details see page 14 of this petition beginning at item "B"; also see Questions Presented 22,23,24 and that which follow.

NOTE – THIS PETITIONER RESPECTFULLY RESERVES THE RIGHT TO CONTINUE WITH THIS PETITION IF IT BECOMES NECESSARY.

FINAL CONCLUSION

24. ATTORNEY GENERAL OF OHIO AND THE STATE COURTS "TELL" OUR UNITED STATES SUPREME COURT – "DESTROY OUR U.S. CONSTITUTION! – MAKE U.S.A. TOTALITARIAN STATE!" – *(the same as the Ohio Attorney General and the State Courts are trying to make Ohio – "then we don't need to pay petitioner the Just, Due, and Owing Debt according to – "THE LAWS OF THE LAND!" and the records as itemized by petitioner in attached U.S.S.C. APPENDIX 'M' beginning at page 10 item IV thereof" – "SO WE TOOK AN OATH – SO WHAT!" "THE LAWS OF THE LAND? – SO WHAT?"):*

A. When a private individual or individuals break a law (in a Democracy) – if they are caught they are usually given one of two choices by their superior(s). Those choices usually are:

a. resign; and/or

b. subject themselves to being fired and/or due process.

Therefore this petitioner respectfully requests this Court to give the public officials of Ohio and the State Courts (who have CHOOSEN to break "THE LAWS OF THE LAND" in these actions) the same consideration that would be given to any other private citizen under the same circumstances. In

BLEED THROUGH

that respect you are respectfully requested to consider item 24 — 'Aa and b' above; Questions Presented 1 thru 20 in attached U.S.S.C. APPENDIX 'M' page 14 thereof beginning at item VI; Question Presented No. 21 on page 9 of this petition (the last line); Questions Presented No. 22 thru No. 25 in this petition beginning on page 40; and attached U.S.S.C. APPENDIXES 'A' and 'M' in their entirety as well as this petition in its entirety. This petitioner believes the records have shown the public officials described in this item 24 have chosen and have broken the said laws willfully, wantonly and maliciously. Petitioner is usually easy going. He prefers to "back off rather than fight" — "within certain limitations!" The degree of limitations petitioner will usually tolerate are as follows:

i. acceptance of injuries innocently inflicted by others upon his body and/or his property(ies);

ii. (to a lesser degree) — negligent injuries;

iii. and even some malicious injuries.

But there comes a point and time where those negligent and/or malicious injuries become extra-ordinary and IN FACT become harassment that cause excessive mental anguish and duress. That is it eventually becomes not only a mental — but also a physical imprisonment or incarceration "WITHOUT DUE PROCESS" and in fact "CRUEL AND UNUSUAL PUNISHMENT".

This petitioner believes the contents of this petition combined with the attachments have proven beyond doubt that this petitioner has been, at least negligently (and in fact maliciously) imprisoned or incarcerated for the past (5) five years (about April 1971 thru April 1976) by the Office of the Attorney General of Ohio with the full cooperation of the State Courts. Petitioner further believes this is a common pattern or procedure with the office of the said Attorney General. That is — it is a patterned characteristic of their operation to appraise land to be taken under the laws of

Eminent Domain and damages to REMAINING LANDS in a haphazard manner (see attached U.S.S.C. APPENDIX 'A' page 12 for price fixed and collusive appraisals by the two state appraisers). Usually the land owner is inexperienced, doesn't know lawyers who have proper expertise in this somewhat specialty field or they may not have the time or money to pursue the matter to even get reasonable justice. The office of the Attorney General knows that even if the case goes to trial at the most the State and/or our Federal Government will be asked to pay is the amount the property owner was entitled to receive, according to the law, in the first place. That even though the State has no genuinely bonifide evidence to support their appraisals or case (as was true in these actions) — they still have a chance to mislead the jury, FRAUD BY TRICK, (who in most cases, where technical questions are the difference between justice and injustice, are not peers of the land owner or the technician presenting incontrovertible technical evidence). Of course, in that event, the State (who had nothing to lose in the first place) benefits by a jury verdict that doesn't make any sense whatsoever (of course by law the jury must be comprised of peers of the PROPERTY OWNER). Therefore this is another reason petitioner should have been awarded a new trial. In a case where a jury returns a verdict that doesn't make sense the trial judge, of course, has the power to correct the injustice by either increasing or decreasing the award by the jury. The trial Judge in this specific action is a man of extensive experience. It is evident from his remarks of record (R pg. 141 line 3 thru 6), and others, and those by Counsel for the State (R pg. 141 lines 7 thru 10), and others, that the trial judge and Counsel for the State of Ohio knew the State had not appraised this petitioners land in GOOD FAITH and had not carried forth in GOOD FAITH during the negotiations period. That they had (at the very least) negligently abused their power — especially in so far as petitioners REMAINING LANDS were related to Amendments XIV and IX of our UNITED STATES CONSTITUTION was concerned. Since Mr. Kroeck had testified at the trial there was

BLEED THROUGH

ZERO DOLLARS damages to petitioners REMAINING LANDS and the appraisal of record by Mr. Miracle (the other appraiser for the State see certified letter 4/17/71-petitioner to the State of Ohio) showed the damages to petitioners REMAINING LANDS to be $1050 (see attached U.S.S.C. APPENDIX 'A' beginning page 12; Brief of Defendant to the trial court dated November 13, 1974). That is both of the States' appraisals had to be collusive or price fixed because by incontrovertible ENGINEERING FACT NOT OPINION there was and is more than three times as much damage to this petitioners REMAINING LANDS then there was the Take are proper "for which the appraiser or the State has not been able to account WITHIN THE LAW!" Petitioner directed the said "GIVE-A-WAY" comments of record by the Trial Court to the Supreme Court of Ohio (see attached APPENDIX 'A' beginning at page 31 thru 35; also beginning at page 2 of that same Appendix; certified letters described in attached U.S.S.C. APPENDIX 'M' – INDEX page i - Appendixes 'A thru N' and at page ii Appendixes 'O thru A-1'). Furthermore petitioner explained a large part of the foregoing to the trial Judge both before the trial (10/5/73 - see U.S.S.C. APPENDIX 'M' – INDEX page ii – Appendixes "O, P, X, A-1 and other data); and after the trial. Petitioner also personally explained significant parts of the foregoing to The Honorable Judge Joseph O'Neil of the 7th District Court of Appeals. But they refused to grant a new trial or correct this total miscarriage of justice as they were permitted and in fact obligated "BY LAW".

The Attorney's for the State of Ohio and the State Courts know very well the award by the jury of $417 per acre for the total destruction of (6) acres of petitioners REMAINING LANDS can't possibly be JUST COMPENSATION as demanded under Amendment V without even taking into consideration petitioner will not be able to have the OPPORTUNITY to use (22) twenty-two six-plex apartment lots or (132) one hundred thirty-two apartment unit accomodations, at his REMAINING LANDS, to earn a livelihood

and/or engage in free enterprise without limitations as shown in PROPERTY OWNERS EXHIBITS 1, 2, 3, 4, 5 and in U.S.S.C. APPENDIX C-1. Please bear in mind:

A. petitioner directed the foregoing to the attention of the Supreme Court of Ohio in U.S.S.C. APPENDIX 'A' page 53 beginning at item 'G';

B. Mr. Kroeck (the States own appraiser) testified (R pg. 123 lines 13 and 14 the value of the front of petitioners REMAINING LANDS is approximately $6750 per acre (for details see page 14 of this petition beginning at item B). How can the award by the jury of $417 per acre (or $114 for each six-plex lot destroyed) be just compensation when even Mr. Kroeck said the value of that land was $6750 per acre. In other words the trial court permitted the jury to appraise petitioners REMAINING LANDS. That is NOT LEGAL because that is not the function or purpose of the jury and secondly and most important because no one other than this petitioner can place a value on petitioners REMAINING LANDS and/or OPPORTUNITY(IES) therein for reasons explained in this petition page 6 item 'v'.

SUMMARY OF FINAL CONCLUSION

In summary; Counsel for the State of Ohio and/or the State Courts knew not later than during the trial:

A. the original appraisals of record had to be at the very least incomplete and IN FACT price fixed and/or collusive because both appraisals indicated the bulk of the injury to this petitioner was at the "TAKE AREA PROPER" whereas IN FACT this petitioners' witnesses proved by incontrovertible ENGINEERING FACT (NOT OPINION OR THEORY) that there was and still remains more than three times as much damages at petitioner's REMAINING LANDS than at the take area proper. This can still as of this date be proved or disproved. For details see this petition page 14 beginning at item 'B'. Also see deposit in Court that was never increased

BLEED THROUGH

and Brief submitted November 13, 1974 by Attorney Michael Harshman to the trial court — copy thereof to counsel for the State of Ohio on the same date;

B. that they should have halted the trial as soon as they heard the testimony and had seen "Property Owners Exhibits 1, 2, 3, 4, 5 (see this petition page 13 beginning at item 15) because the State already had been forwarned (see negotiators reports) and certified letters 6/9/72; 11/14/73; 11/16/73 and others shown in attached U.S.S.C. APPENDIX 'M' — INDEX page ii. Therefore they knew that the appraisals had to be at the very least incomplete (R pg. 141 lines 3 thru 10); (item 'A' of this "Summary of Final Conclusion"); (R-see attached U.S.S.C. APPENDIX 'A' beginning at pg. 31 thru 35 for numerous references to specific parts of the trial transcript; same Appendix 'A' beginning at page 2);

THIS PETITIONER RESPECTFULLY REQUESTS THIS HONORABLE COURT, FOR REASONS STATED HEREIN, TO PROCEED AS FOLLOWS:

A. Issue a Writ of Certiorari if necessary, to the degree necessary and to whom(s) necessary:

a. and provide as respectfully requested by this petitioner in attached U.S.S.C. APPENDIX 'M':

i. page 5 — Alternate No. 1; and/or

ii. page 7 — Alternate No. 3; and/or

c. as respectfully requested by this petitioner in this petition page 42 item "24 — Final Conclusion" — the paragraph following '24 - Ab'.

THE FURTHER REASONS FOR WHICH THE FOREGOING ARE REQUESTED, AMONG OTHERS, ARE THOSE WHICH FOLLOW:

A. This petitioner has been injustly imprisoned both mentally and physically (for approximately the (5) five year

period April 1971 thru April 1976) by the Office of the Attorney General of Ohio with the full cooperation of all three State Courts in their expression of their gratitude and appreciation because this petitioner and his family cooperated with the State of Ohio and/or our Federal Government for the approximate period of 1955 to about April 1971 (for details see attached U.S.S.C. APPENDIX 'A' page 23 beginning at item 'II'),

B. This petitioner hates the subversive thought of regressing to a Totalitarian State that will destroy that on which our America U.S.A. was founded and for which our forefathers fought the Revolutionary War — Especially during this Bicentennial year; and especially because he hates even the thought of the "HELL" to which he was subjected during that temporary totalitarian regime for the approximate period of April 1971 thru April 1976;

C. Because this is — "THE LAW OF THE LAND!" and still is "OUR" — UNITED STATES CONSTITUTION and "OUR" AMERICA — U.S.A.! — "A DEMOCRACRY — NOT A TOTALITARIAN STATE!"

Your Attentions are respectfully re-directed to the following portions of this petition:

A. page 27 item 20 — "Suggested Guide and Analysis to Determine 'Reasonable' Compensation";

B. page 32 item 22 — "Unconstitutional Acts of Congress",

C. page 8 beginning at item 4 thru page 10 — State of California v Anthony Pasquall Faretta (see table of contents); "Handling Federal Torts Claims"; numerous other reasons to support that this court should proceed as respectfully requested by this petitioner in the foregoing.

D. page 25 item C — "jury not comprised of peers";

BLEED THROUGH

E. page 3 item 'Ei' — State Courts don't have final jurisdiction on Federal Law and/or our UNITED STATES CONSTITUTION;

F. Petitioner will either file one copy of each of "Property Owner's Exhibits 1, 2, 3, 4, 5" with this petition in this Court or he will forward them to this court shortly thereafter. See this petition page 13 beginning at item '15' for explanation of the said Exhibits and references etc. thereto in the Trial Transcript.

G. Page 6 item 'v' of this petition — only this petitioner is permitted, within the Law, to place a VALUE on his personal private intangible property of "OPPORTUNITY" in his REMAINING LANDS. Especially under the circumstances in these specific actions;

H. Question Presented No. 25 — page 41 of this petition How can $417 per acre possibly be Just Compensation for each acre of the six-acres totally destroyed at petitioners REMAINING LANDS when even Mr. Kroeck (the States own Appraiser) placed a value on said REMAINING LANDS DESTROYED (R pg. 123 lines 13 and 14) at $6750 per acre? For further details see page 15 of this petition beginning at item 'B';

I. Questions Presented 1 thru 20 — see attached U.S.S.C. APPENDIX 'M' page 14 beginning at item 'V' thereof for these questions which further unquestionably support this petitioners arguments;

J. Questions Presented 22 thru 25 — see this petition beginning at page 40 for same reason as "I" above;

K. See attached U.S.S.C. APPENDIX 'M' page 6 items 'I-5A, B, C, D' — The office of the Attorney General of Ohio with the full cooperation and approval of the State Courts have acted in contempt of and for OUR JUDICIAL SYSTEM, OUR UNITED STATES CONSTITUTION, OUR UNITED STATES SUPREME COURT, DEMOCRACY AND

AMERICA because of their actions and/or failures to act. They have "CREATED THIS CONDITION WORSE THAN THE WATERGATE MATTER!" and "THEY HAVE CAUSED Ohio to be a TOTALITARIAN STATE!" in these specific actions. Please be respectfully reminded – "THESE ACTS AND/OR FAILURES TO ACT ARE SUBVERSIVE – that have caused injury to this petitioner and/or his property(ies) that are recoverable either under these actions and/or the Federal Torts Claims Acts or both. See 'L' that follows.

L. Your attentions are further respectfully re-directed to the attached (6) six page U.S.S.C. APPENDIX "L" – "NOTICE OF APPEAL" for other "Questions Presented" beginning at page 4 of 6 thereof. They prove further beyond doubt that the Office of the Attorney General of Ohio, the State Courts of Ohio and other(s) acted willfully, wantonly, and maliciously as herein stated; they have no interest whatsoever to at least determine and pay this petitioner even Reasonable Compensation. Further that this Court should Act as respectfully requested by this petitioner in this petition "Summary of Final Conclusion" beginning at page 46.

M. Petitioner repeats Question Presented No. 21 – page 9 item Ba of this petition – "How much worse can they get!?"

NOTES

1. *The attached "Notice of Appeal" – U.S.S.C. APPENDIX "L" and the other appendages are made a part of this petition and/or appeal as if they were totally re-written herein;*
2. *Petitioner respectfully reserves the right to add appendages and/or to engage counsel if it becomes necessary.*

This matter has been directed to the attention of The Attorney General of The United States (see attached U.S.S.C. APPENDIX "L" – "NOTICE OF APPEAL" page 3 of 6

BLEED THROUGH

items "3 and 4" thereof). This petitioner does not know for certain if any court has certified to The Attorney General of The United States the fact that this petitioner questions the Constitutionality of Act(s) of Congress (see page 32 item 22) and/or that they have been drawn in question pursuant (but not limited to) under 28 U.S.C. 2403 and/or 28 U.S.C. 1252 and/or as stated herein beginning at page 23 item 16 and/or in other parts of the law. Petitioner herein is not a member of The Bar of The Supreme Court of The United States.

Proof of Service and/or Certification and affidavit(s) as executed are attached. See Pages 52 thru 54. 28 U.S.C. 2403 maybe applicable.

The foregoing including the attachments whether stated and/or implied are the opinion and/or facts presented by this petitioner to the best of his knowledge and understanding.

Respectfully submitted by,

Alfred A. Roberts

ALFRED A. ROBERTS, Petitioner
373 E. Boston Avenue
Youngstown, Ohio 44507
TELEPHONE: 216-782-5926

Subscribed and Sworn before me, at Youngstown
Mahoning County, Ohio this 5th day of April, 1976

David A. McMurray

My Commission Expires DAVID A. McMURRAY, Notary Public
MAHONING COUNTY
My Commission Expires April

PROOF OF SERVICE and/or CERTIFICATION and AFFIDAVIT

I, Alfred A. Roberts, am a citizen of the United States and reside at 373 E. Boston Avenue - Youngstown, Ohio 44507. My Telephone number is 216-782-5926. I am over the age of twenty-one years and the Petitioner in the action(s) described in the caption on page (1) one of this "Petition for a Writ of Certiorari". My mailing address is as above stated. I, Alfred A. Roberts, herein depose and say that on April , 1976 pursuant, but not limited, to reason(s) stated in this "petition (see page one)" — petitioner has filed and/or docketed and/or will have filed and/or docketed the original of this petition and the number of copies required, by the Supreme Court of the United States in the office of the clerk of the court which follows:

The Clerk of the Supreme Court of the United States
United States Supreme Court Building
1 First Street, N.W.
Washington, D.C. 20543

I, Alfred A. Roberts, petitioner herein, further depose and say that I served upon the following in compliance with, but not limited to, Rule 33 (1); (2 a & b); (3c) and/or (4) of the Rules of the Supreme Court of the United States (for reason(s) stated in this petition and/or appeal and/or in the attachments) including the "Table of Contents" pages i thru xii by depositing the number of copies hereinafter stated in a sealed envelope, with not less than first class postage fully prepaid, at a United States Post Office as follows. Three copies to each of the following as follows; (April-9, 1976):

BLEED THROUGH

Solicitor General
Department of Justice
Washington, D.C. 20530
(Certified Mail No. 039564)

The Congress of the U.S.A.
c/o The Hon. Charles Carney
1714 Longworth House
Office Building
Washington, D.C. 20515
(Certified Mail No. 039568)

The Attorney General
State of Ohio
State House Annex Bldg.
40 S. Third Street, Room 100
Columbus, Ohio 43215
(Certified Mail No. 039566)

Mr. John Thorne, Jr.
Assistant Attorney General
Attorney for Director of
Transportation
1108 Mahoning Bank Bldg.
Youngstown, Ohio 44503
(Regular Mail)

The Governor
State of Ohio
Capitol Building
Columbus, Ohio 43215
(Certified Mail 039570)

I, Alfred A. Roberts, petitioner herein, do further depose and say that: 1. all parties required to be served have been served; 2. 28 U.S.C. 2403 maybe applicable; 3. This petitioner does not know whether or not any court has, pursuant to 28 U.S.C. 2403, certified to the Attorney General the fact that the constitutionality of such Act(s) of Congress is drawn in question (see page 32 item 22); 4. That this petitioner has performed as herein stated and that the foregoing, including the contents in the appendix attached hereinafter whether stated and/or implied are my opinion and/or facts to the best of my knowledge and understanding.

The Appendix is a part of this petition.

Respectfully submitted by,

ALFRED A. ROBERTS, Petitioner
373 E. Boston Avenue
Youngstown, Ohio 44507
TELEPHONE: 216-782-5926

AFFIDAVIT OF SERVICE*

Subscribed and Sworn before me at _____
_____
this _____ day of April_____ 1976.

_____

My Commission Expires _____

*The Executed "Affidavit of Service" filed and/or docketed in the Supreme Court of the United States.

APPENDIX

* (Partial) — INDEX OF APPENDIXES

1. M-4 — Order No. A-669 signed by Mr. Justice Potter Stewart February 2, 1976 extending petitioners' time for "Filing a petition and/or docketing an appeal" to and including April 12, 1976 (see "Application for Extension of Time" and Index page i and ii attached thereto 1

2. L — Notice of Appeal to the Supreme Court of the United States filed December 12, 1975..... 2 thru 9

3. K — Motion for Reconsideration dismissed sua sponte by the Supreme Court of Ohio December 5, 1975 10

4. K2 — Motion for Reconsideration No. 2-petitioner mailed photocopy to Mr. Justice Stewart 1/28/76. For details see "Table of Contents" of this petition item 11 vi

5. J — Rehearing in Supreme Court of Ohio denied November 14, 1975 11

6. "F, G, H, I" — For details see "Application for Extension of Time" mailed to Mr. Justice Stewart 1/28/76 Index thereof pages i and ii and "Table of Contents" of this petition .....v and vi

7. E — dismissal sua sponte October 10, 1975 by Supreme Court of Ohio 12

8. A — 67 pages plus Index pages i thru v — "Memorandum in Support of Jurisdiction" filed in Supreme Court of Ohio August 19, 1975. SEE ITEM 17 BELOW. Also see "Table of Contents" of this petition item 3 v

9. "d" — Notice of Appeal to the Supreme Court of Ohio filed July 24, 1975 .....13 and 14

* Footnote — Petitioner respectfully reserves the right to add to and/or complete this (Partial) INDEX of APPEN DIXES. See (Partial INDEX page i and ii petitioner mailed to Mr. Justice Potter Stewart January 28, 1976 as part of the "Application for Extension of Time".

BLEED THROUGH

* (Partial) —INDEX OF APPENDIXES

cont'd

10. "c" — Judgment Entry in the Court of Appeals - Seventh Appellate District - Mahoning County, Ohio filed June 26, 1975 15

11. "b" — Opinion of the Court of Appeals - Seventh Appellate District - Mahoning County, Ohio filed June 6, 1975 (IMPORTANT see Brief of Defendant Appellant and ITEM 17 BELOW). ..... 16 thru 19

12. "a" — Judgment Entry filed Feburary 4, 1975 — Court of Common Pleas — Mahoning County, Ohio; Motion for new trial overruled - opinion filed January 27, 1975 (IMPORTANT — SEE ITEM 17 BELOW) ..... 20 thru 22

13. "X" — Journal Entry October 5, 1973 by Judge Forrest Cavalier - Court of Common Pleas — Mahoning County, Ohio. SEE FOOTNOTES THEREON 1, 2 and 3. 23

14. "A-1" — Letter dated October 9, 1973 - Mr. John C. Thorne, Jr. Attorney for Ohio to petitioner. SEE FOOTNOTES THEREON, 1, 2 and 3 .....24 and 25

15. "M" — "Application for Extension of Time" petitioner mailed to Mr. Justice Stewart 1/28/76 contains (19) nineteen pages plus INDEX pages i and ii. i

16. "M-1 thru V" — see item "15" above Index thereof pages i and ii; see "Table of Contents" of this petition-item 16 .. vi

17. Property Owners Exhibits 1 thru 5 - (R pg. 107 lines 6 thru 16) — of UNCONTROVERTED and INCONTROVERTIBLE ENGINEERING FACTS NOT OPINION. For details see "Table of Contents" of this petition items 17 thur 21 .....vii and viii

* Footnote — Petitioner respectfully reserves the right to add to and/or complete this (Partial) INDEX of APPENDIXES. See (Partial INDEX pages i and ii petitioner mailed to Mr. Justice Potter Stewart January 28, 1976 as part of the "Application for Extension of Time".

APPENDIX "M-4"

SUPREME COURT OF THE UNITED STATES

No. A-669

ALFRED A. ROBERTS,
Petitioner/Appellant

V.

OHIO

ORDER

UPON CONSIDERATION of the application of petitioner/appellant,

IT IS ORDERED that the time for filing a petition for writ of certiorari and/or for docketing an appeal in the above-entitled cause be, and the same is hereby, extended to and including April 12, 1976.

/S/ Potter Stewart
Associate Justice of the Supreme
Court of the United States

Dated this 2nd day of February, 1976

Footnote - see:

1. Page i of this petition - "Table of Contents"

2. Application for Extension of Time (19) nineteen pages plus "INDEX" pages i and ii thereof submitted to this Court January 28, 1976.

BLEED THROUGH

U.S.S.C. APPENDIX L

IN THE SUPREME COURT OF THE STATE OF OHIO
Filed in The Court of Appeals December 12, 1975
IN THE COURT OF APPEALS
MAHONING COUNTY, OHIO
SEVENTH DISTRICT

ALFRED A. ROBERTS 373 E. Boston Avenue Youngstown, Ohio 44507 Appellant	)	NOTICE OF APPEAL
vs	)	CASE NO. 75-CA-15
STATE OF OHIO Appellee	)	

* * * * * * * *

NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES

* Notice is hereby given that Alfred A. Roberts, the Appellant above named, hereby appeals to The Supreme Court of The United States from the final judgment of The Supreme Court of Ohio dismissing this case "sua sponte" — "overruling the Appellants Motion to certify the records" — "hearing and/or rehearing denied". "Motion for Reconsideration dismissed sua sponte" entered in this action —

> "IN THE MATTER OF THE APPROPRIATION BY THE STATE OF OHIO OF THE FEE FOR HIGHWAY PURPOSES OF THE LANDS OF ALFRED A. ROBERTS ET AL., AND NECESSARY IN THE IMPROVEMENT OF INTERSTATE ROUTE NO. 680, SECTION 9.32, MAHONING COUNTY, OHIO"

dated December 5, 1975.

APPENDIX L cont'd

This appeal is taken pursuant to, but not limited to:

1) 28 USC 1254(1) and/or
2) 28 USC 1254(3) and/or
3) 28 USC 1257(1) and/or
4) 28 USC 1257(2) and/or
5) 28 USC 1257(3) and/or
6) 28 USC 2403 may be applicable and/or
7) 28 USC 1252 and/or
8) 28 USC 1651 and/or

* NOTE — See "Memorandum & Note(s) — To Whom(s) it may concern" — pages 4, 5 and 6 attached.

9) Rules of the United States Supreme Court No. 19 and/or 20 and 21 and/or 50; 10) the complete disregard of this Appellants Constitutional Rights under, but not limited to, Amendments of the United States Constitution V and/or XIV and/or IX and/or VI and/or VIII and/or; 11) other(s).

This was referred to as Case No. 75-765 in The Supreme Court of Ohio. This was referred to as Case No. 72-CI-1108 in the Court of Common Pleas - Mahoning County, Ohio.

This matter has been directed to the attention of The Attorney General of The United States. This Appellant does not know for certain of any court has certified to The Attorney General of The United States the fact that the Constitutionality of Act(s) of Congress have been drawn in question pursuant (but not limited to) 28 U.S.C. 2403. I, Alfred A. Roberts, Appellant herein, am not a member of The Bar of The Supreme Court of The United States.

Alfred A. Roberts

ALFRED A. ROBERTS,
Appellant
373 E. Boston Avenue
Youngstown, Ohio 44507
Phone: 216-782-5926

PROOF OF SERVICE and/or CERTIFICATION

I, Alfred A. Roberts, am a citizen of The United States and

BLEED THROUGH

APPENDIX L cont'd

reside at 373 E. Boston Avenue, Youngstown, Ohio 44507. My telephone number is 216-782-5926. I am over the age of eighteen years and the Appellant to the within above-entitled action. My mailing address is as above stated. I, Alfred A. Roberts, herein, depose and say that on the 12th day of December, pursuant, but not limited to, Rules of The United States Supreme Court 33 paragraph(s) (2 a and b); (3 a & c); 4 and/or other(s); and/or for the purpose of meeting other requirement(s) — I served the number of copy(ies) as stated below of the foregoing "NOTICE OF APPEAL" and copies thereto to The Supreme Court of The United States on each of the following in the manner(s) stated below. Those served on by mail were served by depositing copy(ies) as stated in a sealed envelope with first class postage fully prepaid at a United States Post Office as follows:

1. The Clerk
7th District Court of Appeals
120 Market Street
Youngstown, Ohio 44503
(served 3 copies, as required by personal appearance)

2. The Clerk
The Supreme Court of Ohio
30 East Broad Street
Columbus, Ohio 43215
(served 3 copies by Certified Mail No. 039550)

3. Solicitor General
Department of Justice
Washington, D.C. 20530
(served 3 copies by Certified Mail No. 039551)

4. The Attorney General
Department of Justice
Washington, D.C. 20530
(served 3 copies by Certified Mail No. 039552)

5. The Attorney General
State of Ohio
State House Annex Building
Columbus, Ohio 43215
(served one copy by regular mail)

6. Mr. John Thorne, Jr.
Assistant Attorney General
Attorney for Director of Transportation, Appellee
1108 Mahoning Bank Building
Youngstown, Ohio 44503
(served 3 copies by regular mail)

7. The Governor
State of Ohio
Capitol Building
Columbus, Ohio 43215
(served one copy by regular mail)

8. The President
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500
(served one copy by regular mail)

9. Mr. Donald J. Guittar,
Assistant Attorney General
Chief, Transportation Section
Department of Transportation
State of Ohio
Columbus, Ohio 43215
(served one copy by regular mail)

10. The Congress of The U.S.A.
c/o The Hon. Charles Carney
1714 Longworth House Office Bldg.
Washington, D.C. 20515
(served 3 copies by regular mail)

APPENDIX L cont'd

11. The Senate of The U.S.A.
c/o The Hon. R. Taft, Jr.
(United States Senate)
405-01 Senate Office Bldg.
Washington, D.C. 20510
(served 3 copies by regular mail)

12. The Hon. Mr. Justice Stewart
United States Supreme Court Bldg.
1 First Street, N.W.
Washington, D.C. 20543
(served one copy by regular mail)

13. The Legislature-State of Ohio-c/o The Hon. Harry Meshel, State Senator, Ohio
786 Fairgreen Avenue
Youngstown, Ohio 44510
(served one copy regular mail)

14. The Hon. Joseph E. O'Neil, Judge
c/o The Clerk
7th District Court of Appeals
120 Market Street
Youngstown, Ohio 44503
(served one copy regular mail)

15. The Hon. Forrest J. Cavalier (Judge-Court of Common Pleas)
7th District Court of Appeals
120 Market Street
Youngstown, Ohio 44503
(served one copy by regular mail)

16. The Hon. C. William O'Neill, Chief Justice - Ohio Supreme Court
c/o The Clerk
The Supreme Court of Ohio
30 E. Broad Street
Columbus, Ohio 43215
(served one copy by Certified Mail)

I, Alfred A. Roberts, appellant do further hereby state that all parties required to be servied copies of the "NOTICE OF APPEAL" and the copies thereto have been served as herein stated.

The foregoing and herein contained are my true opinion and/or facts to the best of my knowledge and understanding.

Alfred A. Roberts, Appellant
373 E. Boston Avenue
Youngstown, Ohio 44507
Phone: 216-782-5926

Subscribed and Sworn before me, at _____

City _____ Mahoning County

this 12th day of _____, 1975

_____

_____

BLEED THROUGH

APPENDIX L cont'd

MEMORANDUM & NOTE(S) – TO WHOM IT MAY CONCERN

1. This Appellant continues to state and/or repeat that in this specific matter under the specific circumstances of this matter "PRACTICAL JUSTICE" was and is the most logical and wasteless resolution of this matter. The following will support this opinion and/or facts:

A. "Handling Federal Tort Claims" by Lester S. Jayson, Director, Congressional Research Library of Congress. Consider the responsiblity(ies) of the addresses of the herein described "NOTICE OF APPEAL" as related to the contents of the said book; the trial testimony and exhibits; the certified letters from this appellant described in the "Memorandum In Support of Jurisdiction" to the Ohio Supreme Court page 7 paragraph 1 and page 58 item D and that which follows;

B. The Sherman Antitrust Act as amended and other Acts as related to "JUST COMPENSATION"; "A FAIR TRIAL"; and the herein described;

C. The State Negotiators hand written reports including but not limited to, written correspondences by mail beginning about April 14, 1971;

D. "Motion to Stay Decision and/or Addendum to Partial Forthwith Reply – Part 2" (3 pages) in The Supreme Court of Ohio;

E. "Motion For Reconsideration No. 1 – Part 3" (19 pgs) in The Supreme Court of Ohio;

F. "Memorandum Opposing Jurisdiction" (7 pgs.) in The Supreme Court of Ohio;

G. "Motion for Reconsideration No. 2 – Part 4" (4 pgs) in The Supreme Court of Ohio;

H. "Memorandum In Support of Juridiction" (67 pgs.) in

POOR COPY

APPENDIX L cont'd

The Supreme Court of Ohio;

I. other(s).

2. Please further consider the following as related to items "1-A thru I" above; our United States Constitution and our "UNITED" (not "DIS – UNITED") STATES; (that is the whole rather than the individual component parts):

A. From what has transpired in this specific matter are our leaders telling us forget morals; what is legal; what is not illegal - "you're a sucker if you don't try to get away with whatever you can"? Even if you are doing wrong by omission? The following disagree with that theory:

a. "Handling Federal Tort Claims" by Lester S. Jayson;

b. The Sherman Antitrust Act as amended:

c. The following excerpt from Justice Louis Brandeis- "Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizens. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example." It is the opinion of this appellant Justice Brandeis would agree that Acts of omission are not acceptable legal procedures as they apply to this specific matter.

B. Isn't improper adherence(s) to item "2A" above one of the big reasons crime is running rampant in America today?

C. Are not willful omission that injure as wrong as those of comission?

D. Are not failure to Act that injure as wrong as wrongful acts that injure?

BLEED THROUGH

APPENDIX L cont'd

E. The United States Supreme Court seem to think so in "Handling Federal Tort Claims" by Jayson.

F. Are not willful acts or failure to act (eighter by omission or commission) that injure bearing false witness?

G. Are not "F" above not coveting ones neighbors goods; Stealing?

H. Does one who injures HIS SON (whether by omission or commission) truly believe his son will be blessed at the asking?

I. How many Pontius Pilates have there been? (one need not be a legally appointed judge in fact to be a Pontius Pilate).

J. How many more Pilates must there be before we learn?

K. How about false pride?; L. Forgive and ask forgiveness of your brother before you come to me?

M. What good is it to gain the whole world? N. Be prepared for I shall come like a thief in the night?;

O. Isn't this the way America was meant to have been?

Q. If we truly believe perhaps now (during the Christmas Season) is the time to act???

R. Need it be docketed??? S. It will if it must.

T. Was the "Dismissal Sua Sponte" as it was used in this matter for the purpose for which it was originally intended by its originators???

U. Is the "Dismissal Sua Sponte" taking of this appellants Constitutional Rights as it was used in this specific matter? That is - is it Unconstitutional as used in this specific matter?

V. Sincerely,

APPENDIX L cont'd

Alfred A. Roberts, Appellant
373 E. Boston Avenue
Youngstown, Ohio 44507
Phone: 216-782-5926

ACKNOWLEDGMENT OF NOTICE OF APPEAL
TO THE SUPREME COURT OF THE UNITED STATES

I, [illegible], Deputy Clerk of Court
name position

hereby acknowledge receipt of the original and (2) two copies of the foregoing "NOTICE OF APPEAL" (and attachments thereto. They consist of pages 1 of 6 thru 6 of 6 inclusive) to the Supreme Court of The United States this 12th, day of December 1975.

[illegible], Deputy Clerk
Name and position

Clerk's Office, The Supreme Court
Organization

U.S.S.C. APPENDIX K

THE SUPREME COURT OF THE STATE OF OHIO

THE STATE OF OHIO,
City of Columbus

1975 TERM

State of Ohio,
Appellee,

To wit: December 5, 1975

vs.

)
)
)

Alfred A. Roberts,
Appellant.

No. 75-765
REHEARING

It is ordered by the court that the motion for reconsideration in this case be dismissed, sua sponte.

I, THOMAS L. STARTZMAN, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry was correctly copied from the records of said Court, to wit, from Journal No. Page

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court this 5th day of December, 1975.

THOMAS L. STARTZMAN Clerk

By Deputy

APPENDIX "J"

THE SUPREME COURT OF THE STATE OF OHIO

THE STATE OF OHIO, City of Columbus — 1975 TERM

In re Appropriation of Fee For Highway Purposes: State of Ohio, Appellee, vs. Alfred A. Roberts, Appellant. — To wit: November 14, 1975 — No. 75-765 — REHEARING

It is ordered by the court that rehearing in this case is denied.

I, THOMAS L. STARTZMAN, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry was correctly copied from the records of said Court, to wit, from Journal No. Page

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court this 14th day of November, 1975.

THOMAS L. STARTZMAN Clerk

/s/ Sam F. Adkins, Deputy

APPENDIX "E"

THE SUPREME COURT OF OHIO

THE STATE OF OHIO, City of Columbus	1975 TERM To wit: October 10, 1975
In re Appropriation of Fee for Highway Purposes: State of Ohio, Appellee,	No. 75-765
vs.	APPEAL FROM THE COURT OF APPEALS
Alfred A. Roberts, Appellant.	for MAHONING County

This cause, here on appeal as of right from the Court of Appeals for MAHONING County, was heard in the manner prescribed by law, and, no motion to dismiss such appeal having been filed, the Court sua sponte dismisses the appeal for the reason that no substantial constitutional question exists herein.

It is further ordered that a copy of this entry be certified to the Clerk of the Court of Appeals for MAHONING County for entry.

I, Thomas L. Startzman, Clerk of the Supreme Court of Ohio, certify that the foregoing entry was correctly copied from the Journal of this Court.

Witness my hand and the seal of the Court this day of 19

Clerk
Deputy

APPENDIX "d"

Filed in The Court of Appeals July 24, 1975

IN THE COURT OF APPEALS
MAHONING COUNTY, OHIO
SEVENTH DISTRICT

STATE OF OHIO Plaintiff	)	CASE NO. 75-CA-15
vs.	)	
ALFRED A. ROBERTS 373 E. Boston Avenue Youngstown, Oh 44507 Defendant-Appellant	)	NOTICE OF APPEAL

Now comes the Defendant-Appellant, ALFRED A. ROBERTS, property owner, and hereby gives notice of appeal to the Supreme Court of Ohio from a judgment of the Court of Appeals - Mahoning County - Seventh District, filed June 26, 1975. That judgment affirmed the judgment of the Common Pleas Court, Mahoning County, Ohio, Case No. 72-CI-1108, filed February 4, 1975, which overruled the Defendant-Appellant property owner's motion for a new trial.

This case originated in the Court of Common Pleas of Mahoning County, Ohio.

The Defendant-Appellant property owner, bases this appeal on the following grounds:

1. Error(s) that occurred in this Seventh District Appellate Court;
2. Substantial Constitutional question(s);
3. Matters as of Right;
4. This case is of public or great general interest.

Alfred A. Roberts

ALFRED A. ROBERTS, Defendant-Appellant
373 E. Boston Avenue
Youngstown, Ohio 44507

BLEED THROUGH

APPENDIX "d" cont'd

CERTIFICATION

A copy of the foregoing Notice of Appeal was mailed by U.S. Registered Mail, Return Receipt Requested, this 24th day of July, 1975, to Mr. John C. Thorne, Jr., 1108 Mahoning Bank Building, Youngstown, Ohio 44504, Attorney for Director of Transportation, Plaintiff.

Alfred A. Roberts

ALFRED A. ROBERTS, Defendant-Appellant

APPENDIX "c"

THE STATE OF OHIO)	IN THE COURT OF
) ss	APPEALS SEVENTH
MAHONING COUTY)	APPELLATE DISTRICT
	CASE NO. 75 CA 15

IN THE MATTER OF THE)	
APPROPRIATION BY THE)	
STATE OF OHIO OF THE FEE)	
FOR HIGHWAY PURPOSES OF)	JUDGMENT ENTRY
THE LANDS OF ALFRED A.)	
ROBERTS, ET AL., AND)	Filed June 26, 1975
NECESSARY IN THE CONSTRUC)	
TION AND IMPROVEMENT OF)	
INTERSTATE ROUTE NO. 680,)	
SECTION 9.32, MAHONING)	
COUNTY, OHIO.)	

1. This day this cause came on for hearing on the appeal of the property owner appellant.
2. The Court has considered the record before it, the transcript of the proceedings, as well as the briefs and arguments of counsel.
3. Judgment affirmed. The opinion of the Court is hereby incorporated by reference. Costs taxed against the property owner appellant. Exceptions.

Dated: /s/ John J. Lynch

APPROVED BY:

William J. Brown /s/ Joseph E. O'Neill
Attorney General
/s/ John C. Thorne, Jr.
John C. Thorne, Jr.
Assistant Attorney General
Counsel for Director of Transportation Appellee

/s/ Regis W. Gilboy
Regis W. Gilboy, Counsel for Property Owner Appellant

BLEED THROUGH

APPENDIX "b"

STATE OF OHIO, MAHONING COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

IN THE MATTER OF THE APPROPRIATION OF THE STATE OF OHIO OF THE FEE FOR HIGHWAY PURPOSES OF THE LANDS OF ALFRED A. ROBERTS, ET AL, AND NECESSARY IN THE CONSTRUCTION AND IMPROVEMENT OF INTERSTATE ROUTE NO. 680, SECTION 9.32, MAHONING COUNTY, OHIO.	)	OPINION Case No. 75 C. A. 15 Filed June 6, 1975

APPEARANCES.

Regis W. Gilboy, Canfield, Ohio, for Property Owner-Appellant.

John C. Thorne, Jr., Youngstown, Ohio, for Director of Transportation-Appellee.

Hon. John J. Lynch,
Hon. Joseph E. O'Neill,
Hon. Joseph Donofrio, JJ.

Dated: June 6, 1975.

Grace Marten,
Court of Appeals Reporter,
Mahoning County Courthouse,
Youngstown, Ohio

O'NEILL, J.

This is an appeal from a jury verdict in an appropriation matter. The State of Ohio presented evidence that the value of the land taken was $6,700.00 and damages to the residue were non-existent.

APPENDIX "b" cont'd

The property owner presented a value of take at $16,200.00 and $18,000.00 and damages at $51,900.00 and $64,000.00.

The jury found value to be $9,500.00 and damages to be $2,500.00.

The appellant raises as his first assignment of error certain testimony elicited from one of its expert witnesses by the appellee. The appellant sets forth four specific items of such testimony. We have reviewed the transcript of testimony and found the evidence complained of. However, we do not find any objections being made at trial.

> "It is of course the general rule that errors which arise during the course of the trial of a cause which are not brought to the attention of the court by objection, or otherwise, are waived and may not be urged for the first time on appeal." Rosenberry v. Chumney, 171 Ohio St. 49, page. 50. (Cited in Carrothers v. Hunter, 23 Ohio St. 2d 99, at page 102).

This first assignment of error is found to be without merit.

The second assignment of error contends that the verdict was inadequate, against the manifest weight and given under the influence of passion.

The expert witness for the state, Mr. Kroeck, attached a value of $6,700.00 to the land taken and no damage to the residue. The appellant argues that there were many unfounded opinions rendered by this expert. Specifically, the witness admitted that he was not familiar with the topography of the land; he did not know what effect the take would have upon the drainage and sewering of the residue and, he had no idea what change in elevations would take place. The appellant, in essence, is arguing that Mr. Kroeck, was, by his own admissions, unqualified to give an opinion. He very well might have been UNVERSED but this was an issue of weight for the jury, rather than the trial court or this Court.

BLEED THROUGH

APPENDIX "b" cont'd

The appellant presented an expert line of evidence that as a result of the take, if he attempted to use his land, which was vacant, at its highest and best use, multiple family units, the damages arising as a result of the take would be $51,900.00 to $64,000.00. The main basis for these damage figures was an engineering and cost study presented into evidence. By admission these studies were prepared after the take and had not been submitted to the requisite governmental bodies for approval. These admissions came from appellant's expert along with his admission that such approval is required (Tr. 51).

"Q. You don't know whether they would be approved or not, do you?

"A. No." (Tr. 52).

We are of the opinion that this admission left to the jury the weight to be attached to this expert's opinion. It obviously placed a speculative cast upon his opinion.

> "The limitations on the right to damages resulting from the exercise of the power of eminent domain are that such damages must be actual and not merely speculative or contingent." Masheter v. Blaisdell, 30 Ohio St. 2d 8, page 12.

The trial court properly charged the jury in accordance with this law (Tr. 175).

The appellant is faced, not with passion or prejudice, but with conflicting oral testimony. Even if the verdict were contrary to the evidence, we could not reverse on that issue, alone.

> "4. A judgment will not be reversed because the verdict is contrary to the evidence, unless it is manifestly so, and the reviewing court will always hesitate to do so where the doubts of its propriety arise out of a conflict in oral testimony." Breese v. State, 12 Ohio St. 146. State v. Dingus, 26 Ohio App. 2d 131, 136.

APPENDIX "b" cont'd

The judgment of the lower court is affirmed.

Lynch P. J., Concurs.
Donofrio, J., Concurs.

APPROVED:

/s/ Joseph E. O'Neill

BLEED THROUGH

APPENDIX "a"

STATE OF OHIO) SS. IN THE COURT OF
COUNTY OF MAHONING) COMMON PLEAS

CASE NO. 72 CI 1108

STATE OF OHIO,
Plaintiff,)
)
vs) JUDGMENT ENTRY
ALFRED A. ROBERTS,) Filed January 27, 1975
Defendant.)

The Court has carefully considered the transcript of the evidence and briefs of counsel on this motion for new trial. The jury verdict in this case was signed by all jurors. The jury, in addition, had a view of the premises.

In an appropriation case there is no burden of proof and the jury sits as an appraising or assessing board. All of the testimony respecting the property owner's claims as to the value of the property taken and the damage to the residue was permitted to go to the jury.

In an appropriation case the evidence which the jury considers consists mainly of the testimony of real estate appraising experts. The Director presented as his expert appraiser Mr. Orville Kroeck, an appraiser of the jury to determine the credibility of the witnesses and it was their prerogative to accept the testimony of Orville Kroeck. The verdict of the jury actually was almost double the amount testified to by Mr. Kroeck ($12,000.00 as opposed to $6,700.00).

Since the jury verdict is based upon credible evidence in the record, it cannot be said that the verdict was based on passion or prejudice. The jury simply did not buy the Plaintiff's theory of the case and it had every right to use the testimony of Orville Kroeck as a basis for their verdict.

Furthermore, the testimony of the property owner's experts was based upon a proposed plan of development

APPENDIX "a" cont'd

which had never been submitted to or approved by the Planning Commission.

The Court has no right to substitute his opinion respecting values for that of the jury.

The Court feels that the jury was adequately charged and that no error prejudicial to the property owner intervened into the charge nor in the admission of testimony. The property owner claims error in permitting Orville Kroeck to place a commercial valuation on the portion of the parcel fronting on Lake Park Road and South Avenue. The Court feels that the jury was adequately charged with respect to the consideration of this testimony.

In any event, under the circumstances of this case any claimed error in this regard would not be prejudicial to the property owner.

The Court does not feel that it can intervene into this verdict and, therefore, a motion for new trial is overruled. Exceptions.

/s/ F. J. Cavalier
JUDGE

THE STATE OF OHIO	) SS	IN THE COURT OF
	)	COMMON PLEAS
MAHONING COUNTY	)	CASE NO. 72 CI 1108
IN THE MATTER OF THE APPROPRIATION BY THE STATE OF OHIO OF THE FEE FOR HIGHWAY PURPOSES OF THE LANDS OF ALFRED A. ROBERTS, ET AL., ETC.	)	JUDGMENT ENTRY
		Filed February 4, 1975

BLEED THROUGH

APPENDIX "a" cont'd

1. This day this cause came on for hearing upon the motion of the property owner for a new trial. The Court has carefully considered the transcript of the evidence and briefs of counsel herein.

2. Motion for New Trial overruled.

3. The Court's opinion previously written in this matter is hereby incorporated by reference. Exceptions.

/s/ F. J. Cavalier
JUDGE

Dated: 2/3/75

APPROVED BY:
/s/ Michael S. Harshman
Michael S. Harshman
Youngstown, Ohio
Attorney for Property Owner

WILLIAM J. BROWN, Attorney General

/s/ John C. Thorne, Jr.
John C. Thorne, Jr.
Assistant Attorney General
1108 Mahoning Bank Building
Youngstown, Ohio 44503
Telephone: 744-2125

APPENDIX "X"

STATE OF OHIO MAHONING COUNTY	) SS)	IN THE COURT OF COMMON PLEAS
Director Plaintiff	)	CASE NO. 72-CI-1108
vs.	)	
A. A. Roberts, Et. Al Defendant	)	JOURNAL ENTRY Filed October 5, 1975

Case called for jury trial. P.O. refuses to accept advice of counsel on method of procedures and desires to change counsel. Case continued for retention of other counsel.

APPROVED:
Attorney for Plaintiff

J. 349-p 246
Attorney for Defendant

/s/ F. J. Cavalier
JUDGE

Footnotes - See the following:

1. Citation — State of California v Anthony Pasquall Faretta - U.S. Supreme Court Ruling June 30, 1975 - opinion by Mr. Justice Potter Stewart. For details see "Table of Contents" of this petition pages viii and ix item 25;

2. Also see "Appendix A-1" paragraph 2 thereof beginning at sentence 2 therof;

3. "Table of Contents" of this petition page xii items 32-A and B.

BLEED THROUGH

APPENDIX "A-1"

OFFICE OF THE ATTORNEY GENERAL
STATE OF OHIO

October 9, 1973

Please reply to:
1108 Mahoning Bank Bldg.
Youngstown, Ohio 44503
Ph. 744-21215

Mr. Alfred A. Roberts
373 E. Boston Avenue
Youngstown, Ohio 44507

Re: MAH I-680; Sec. 9.32; Pol 254 UL; Roberts

Dear Mr. Roberts:

This office as well as the offices of the Department of Transportation are extremely annoyed at your recent behavior concerning the above-captioned case. This matter was initially set, as per your insistent demands, back in October of 1972. At your attorney's request the matter was again reset for January 15 of this year. While I understand your attorney had personal problems and the matter could not go forward at that time, the case was reset for October 9, 1973.

It is difficult for me to understand how, after almost a year, you and your attorney could arrive at such a divergence of opinion so as to prevent the matter from going forward at this time. Be that as it may, Judge Cavalier has informed me that he considers a two-week period sufficient for you to obtain counsel. Accordingly, I shall file a motion with the Court on November 1 to advance the matter for trial at the earliest available time.

Very truly yours,

/s/ John C. Thorne, Jr.
John C. Thorne, Jr.
Assistant Attorney General

APPENDIX "A-1" cont'd

Footnote - See:

1. Citation - State of California v Anthony Pasquall Faretta- U.S. Supreme Court Ruling June 30, 1975 - opinion by Mr. Justice Potter Stewart. For details see "Table of Contents" pages viii and ix item 25 and paragraph 2 beginning at sentence 2 of this Appendix "A-1";

2. Also see "Appendix X" (App. Page 23);

3. "Table of Contents" of this petition page xii items 32-A and B.

BLEED THROUGH

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-1458

ALFRED A. ROBERTS,
Petitioner,

v.

STATE OF OHIO,
Respondent.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF OHIO

Motion to Dismiss or Affirm

Respondent, pursuant to Rule 16 of the Rules of the Supreme Court of the United States, moves the Court to dismiss the appeal herein or, in the alternative, to affirm the judgment of the Supreme Court of Ohio on the grounds that the petition does not present a substantial federal question, any federal question sought to be reviewed was not timely or properly raised and the judgment of the Ohio Supreme Court rests on an adequate non-federal basis.

STATEMENT OF THE CASE

This is a highway appropriation proceeding under Ohio Revised Code, Chapter 5519. The case was filed on July 21, 1972, by the Director of Transportation,

State of Ohio, respondent, and secured with a deposit of $6,700.00. The property owner, Mr. Alfred A. Roberts, petitioner, through counsel, timely perfected his appeal. After delay caused by the ill health of counsel for the petitioner, the case was set for trial in October of 1973. At time of trial, however, the petitioner discharged his attorney and the matter was continued until March of 1974.

At the trial the petitioner put on expert testimony in the amount of $68,100.00 and $82,000.000. The respondent presented testimony indicating a total award of $6,750.00. The jury verdict was $12,000.00.

There was timely filed a Motion for New Trial which was not ruled upon by the Trial Court for approximately one year.

The date of the jury verdict was March 8, 1974. The Judgment Entry overruling the Motion for New Trial was filed February 4, 1975. The petitioner timely perfected an appeal to the Seventh District Court of Appeals with a different counsel handling the appeal. The opinion of the Court of Appeals affirming the judgment of the Trial Court was given June 6, 1975. The Journal Entry in the Court of Appeals was filed June 26, 1975. The notice of appeal to the Supreme Court was filed in the Court of Appeals on July 24, 1975, and in the Supreme Court on August 19, 1975.

On October 10, 1975, the Ohio Supreme Court dismissed the appeal (The State of Ohio v. Alfred Roberts, No. 75-765) for the reason that there was no substantial constitutional question of law presented, and on December 5, 1975, a motion for reconsideration was dismissed. It is from this dismissal that the petitioner prays for a writ of certiorari.

BLEED THROUGH

ARGUMENT

The various allegations raised by the petitioner do not present a substantial federal question. While it is difficult to define with exactness the petitioner's reason for this Court to hear his appeal, his petition seems to be an extensive statement of displeasure with the trial, the appeal and the general handling of this case by all concerned.

Nowhere does the petitioner cite to the Trial Court record to show how this case involves a substantial federal question. In the State Seventh District Court of Appeals, the petitioner raised the issue as to the inadmissibility of specific testimony. However, as the Court of Appeals held, no objection was made during trial to the introduction of the testimony and therefore any possible error was waived. (Appendix page 17, petition for writ of certiorari)

The second assignment of error in the Court of Appeals was that the verdict was inadequate, against the manifest weight of the evidence, and given under the influence of passion. The State Court of Appeals ruled that this was a matter of conflicting testimony resolved by the jury. Petitioner was afforded the benefit of experienced trial counsel as well as a different counsel on appeal. It was from this decision that the Ohio Supreme Court dismissed petitioner's appeal for the reason that no substantial state constitutional question was involved.

Thus, it is clear that there was no federal question involved in the trial or appeal of this state appropriation proceeding. As this Court has stated in *Edelman v. People of State of California*, 344 U.S. 357 (1953), the Supreme Court will not decide whether constitutional rights have been violated where federal ques-

tions were not seasonably raised in accordance with the requirements of state law.

The petitioner has the burden of affirmatively establishing the United States Supreme Court's jurisdiction. *Republic Natural Gas Co. v. State of Oklahoma*, 334 U.S. 62 (1948). The criteria to establish jurisdiction for the Supreme Court to review a decision of a state supreme court was summarized in the case of *Durley v. Mayo*, 351 U.S. 277 (1956) at page 281:

> " 'Where the highest court of the state delivers no opinion and it appears that the judgment *might* have rested upon a nonfederal ground, this Court will not take jurisdiction to review the judgment.' Stembridge v. State of Georgia, 343 U.S. 541, 547, 72 S. Ct. 834, 837, 96 L. Ed. 1130.
>
> "It is a well established principle of this Court that before we will review a decision of a state court it must affirmatively appear from the record that the federal question was presented to the highest court of the State having jurisdiction and that its decision of the federal question was necessary to its determination of the cause. Honeyman v. Hanan, 300 U.S. 14, 18, 57 S. Ct. 350, 352, 81 L. Ed. 476; Lynch v. [People of] New York [ex rel. Pierson], 293 U.S. 52, 55 St. Ct. 16, 79 L. Ed. 191. And where the decision of the state court might have been either on a state ground or on a federal ground and the state ground is sufficient to sustain the judgment, the Court will not undertake to review it. Klinger v. [State of] Missouri, 13 Wall. 257, 263, 20 L. Ed. 635; [Walter A.] Wood Mowing & Reaping Machine Co. v. Skinner, 139 U.S. 293, 297, 11 S. Ct. 528, 530, 35 L. Ed. 193; Allen v. Arguimbau, 198 U.S. 149, 154-155, 25 S. Ct. 622, 624, 49 L. Ed. 990; Lynch v. [People of] New York [ex rel. Pierson], supra. . . ."

BLEED THROUGH

In the instant case the petitioner has not shown that he meets any of the criteria to have this case heard by the Supreme Court. It does not affirmatively appear from the record that a federal question was presented to the Ohio Supreme Court, nor has it been shown that a federal question determination was in any way necessary for the Ohio Supreme Court to reach its decision. Finally, the record shows that the decision of the Ohio Supreme Court was based completely on state grounds.

CONCLUSION

Wherefore, respondent respectfully submits that the questions upon which this cause depend are so unsubstantial as not to need further argument and respondent respectfully moves the Court to dismiss this appeal or, in the alternative, to affirm the judgment entered in the cause by the Supreme Court of Ohio.

Repectfully submitted,

HON. WILLIAM J. BROWN
Attorney General
State of Ohio

DONALD J. GUITTAR
Assistant Attorney General
Chief, Transportation Section
25 South Front Street
Columbus, Ohio 43215
Attorneys for Respondent

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-1458

ALFRED A. ROBERTS,

Petitioner,

v.

STATE OF OHIO,

Respondent.

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

The Supreme Court of Ohio wrote no opinion. The Court of Appeals for Mahoning County, Ohio, rendered a written decision which is attached as Appendix b, Petitioner's Brief pp. 16 - 19 and which was not reported.

STATEMENT OF THE CASE

This is a highway appropriation proceeding under Ohio Revised Code, Chapter 5519. The case was filed on July 21, 1972, by the Director of Transportation,

State of Ohio, respondent, and secured with a deposit of $6,700.00. The property owner, Mr. Alfred A. Roberts, petitioner, through counsel, timely perfected his appeal. After delay caused by the ill health of counsel for the petitioner, the case was set for trial in October of 1973. At time of trial, however, the petitioner discharged his attorney and the matter was continued until March of 1974.

At the trial the petitioner put on expert testimony in the amount of $68,100.00 and $82,000.000. The respondent presented testimony indicating a total award of $6,750.00. The jury verdict was $12,000.00.

There was timely filed a Motion for New Trial which was not ruled upon by the Trial Court for approximately one year.

The date of the jury verdict was March 8, 1974. The Judgment Entry overruling the Motion for New Trial was filed February 4, 1975. The petitioner timely perfected an appeal to the Seventh District Court of Appeals with a different counsel handling the appeal. The opinion of the Court of Appeals affirming the judgment of the Trial Court was given June 6, 1975. The Journal Entry in the Court of Appeals was filed June 26, 1975. The notice of appeal to the Supreme Court was filed in the Court of Appeals on July 24, 1975, and in the Supreme Court on August 19, 1975.

On October 10, 1975, the Ohio Supreme Court dismissed the appeal (The State of Ohio v. Alfred Roberts, No. 75-765) for the reason that there was no substantial constitutional question of law presented, and on December 5, 1975, a motion for reconsideration was dismissed. It is from this dismissal that the petitioner prays for a writ of certiorari.

BLEED THROUGH

ARGUMENT

The various allegations raised by the petitioner do not present a substantial federal question. While it is difficult to define with exactness the petitioner's reason for this Court to hear his appeal, his petition seems to be an extensive statement of displeasure with the trial, the appeal and the general handling of this case by all concerned.

Nowhere does the petitioner cite to the Trial Court record to show how this case involves a substantial federal question. In the State Seventh District Court of Appeals, the petitioner raised the issue as to the inadmissibility of specific testimony. However, as the Court of Appeals held, no objection was made during trial to the introduction of the testimony and therefore any possible error was waived. (Appendix page 17, petition for writ of certiorari)

The second assignment of error in the Court of Appeals was that the verdict was inadequate, against the manifest weight of the evidence, and given under the influence of passion. The State Court of Appeals ruled that this was a matter of conflicting testimony resolved by the jury. Petitioner was afforded the benefit of experienced trial counsel as well as a different counsel on appeal. It was from this decision that the Ohio Supreme Court dismissed petitioner's appeal for the reason that no substantial state constitutional question was involved.

Thus, it is clear that there was no federal question involved in the trial or appeal of this state appropriation proceeding. As this Court has stated in *Edelman v. People of State of California*, 344 U.S. 357 (1953), the Supreme Court will not decide whether constitutional rights have been violated where federal ques-

tions were not seasonably raised in accordance with the requirements of state law.

The petitioner has the burden of affirmatively establishing the United States Supreme Court's jurisdiction. *Republic Natural Gas Co. v. State of Oklahoma*, 334 U.S. 62 (1948). The criteria to establish jurisdiction for the Supreme Court to review a decision of a state supreme court was summarized in the case of *Durley v. Mayo*, 351 U.S. 277 (1956) at page 281:

> " 'Where the highest court of the state delivers no opinion and it appears that the judgment *might* have rested upon a nonfederal ground, this Court will not take jurisdiction to review the judgment.' Stembridge v. State of Georgia, 343 U.S. 541, 547, 72 S. Ct. 834, 837, 96 L. Ed. 1130.
>
> "It is a well established principle of this Court that before we will review a decision of a state court it must affirmatively appear from the record that the federal question was presented to the highest court of the State having jurisdiction and that its decision of the federal question was necessary to its determination of the cause. Honeyman v. Hanan, 300 U.S. 14, 18, 57 S. Ct. 350, 352, 81 L. Ed. 476; Lynch v. [People of] New York [ex rel. Pierson], 293 U.S. 52, 55 St. Ct. 16, 79 L. Ed. 191. And where the decision of the state court might have been either on a state ground or on a federal ground and the state ground is sufficient to sustain the judgment, the Court will not undertake to review it. Klinger v. [State of] Missouri, 13 Wall. 257, 263, 20 L. Ed. 635; [Walter A.] Wood Mowing & Reaping Machine Co. v. Skinner, 139 U.S. 293, 297, 11 S. Ct. 528, 530, 35 L. Ed. 193; Allen v. Arguimbau, 198 U.S. 149, 154-155, 25 S. Ct. 622, 624, 49 L. Ed. 990; Lynch v. [People of] New York [ex rel. Pierson], supra. . . ."

BLEED THROUGH

In the instant case the petitioner has not shown that he meets any of the criteria to have this case heard by the Supreme Court. It does not affirmatively appear from the record that a federal question was presented to the Ohio Supreme Court, nor has it been shown that a federal question determination was in any way necessary for the Ohio Supreme Court to reach its decision. Finally, the record shows that the decision of the Ohio Supreme Court was based completely on state grounds.

CONCLUSION

For the reasons stated above, Respondent says that a Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

HON. WILLIAM J. BROWN
Attorney General
State of Ohio

DONALD J. GUITTAR
Assistant Attorney General
Chief, Transportation Section
25 South Front Street
Columbus, Ohio 43215
Attorneys for Respondent